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DECEMBER MEETING, 1881.

The stated monthly meeting was held at the Society's rooms in Boston, on Thursday, the 8th instant, at 3 o'clock P. M.; the President, Mr. WINTHROP, in the chair.

The Recording Secretary read the record of the last meeting, and it was accepted.

The Librarian presented the monthly list of donors to the Library.

The Corresponding Secretary read letters accepting membership from Messrs. Stephen Salisbury, Jr., John T. Hassam, and William Wirt Henry.

The PRESIDENT, in announcing the death of an Associate Member, the Hon. Solomon Lincoln, spoke as follows:—

I was in hopes, Gentlemen, that the record of this last stated meeting for the present year might have been free from any thing of an obituary character. But "we cannot hold mortality's strong hand." The shafts have fallen so thickly of late, and upon so many shining marks, that the phrases of eulogy are wellnigh exhausted. No less than nine names have been stricken from our resident roll during this year 1881. The ninth is that of the Hon. Solomon Lincoln, of Hingham, who died on the 1st of this month in his 78th year.

He had been one of our members for at least thirty-five years. And it is nearly fifty-five years since he might well have been a member,—having as long ago as 1827 published a history of his native town of Hingham, exhibiting the care and research which are the best qualifications for our membership.

Mr. Lincoln was a worthy representative of the Old Colony,—a good citizen of his ancient town, a good senator in our State legislature, a good United States Marshal for this District, a faithful and trustworthy president of the Webster Bank in this city, and always, in each successive sphere, a man of conscientious convictions which could not be shaken.

Our very last volume contains a labor of love in our behalf in the shape of a Memoir which he had prepared of the late Rev. Charles Brooks, one of our former associates.

It is a somewhat striking coincidence that, in the records of that last June meeting, three Memoirs are found reported

from three of our then living members, who have already become subjects for Memoirs themselves.

I am instructed by the Council to report the customary Resolution:—

Resolved, That in respectful remembrance of our associate, Hon. Solomon Lincoln, whose death has been announced to us, the Council be instructed to provide for the preparation of a Memoir for our Proceedings.

The Resolution was unanimously adopted.

The PRESIDENT then spoke of one of the recent gifts to the Society's Library:—

Among the new books which have been added to our Library since the last meeting is the memoir, or sketch, of Edward Coles, second Governor of Illinois, prepared for the Chicago Historical Society by Hon. E. B. Washburne, late United States Minister at Paris.

It is a most interesting and valuable little volume, and it contains a record of a character and career well worthy of being recorded. Governor Coles was an Honorary Member of our Society, and at our meeting in December, 1868, I took some notice of his death, which had occurred in the previous July. He was long a friend of my father as well as of myself, and I had a warm regard for him. But I had hardly realized how early and leading a part he had taken in regard to African slavery, and how much he had done to prevent its introduction into the Western Territory. His correspondence with Mr. Jefferson as early as 1814—now first printed, I believe—certainly entitles him to be remembered among the very foremost advocates of Emancipation. This little volume, which is well worth the reading of us all, exhibits him as, indeed, second to no one in our land of the philanthropists in that line.

The Rev. Alexander McKenzie, D.D., of Cambridge, was elected a Resident Member, and M. le comte d'Haussonville, of Paris, was elected a Corresponding Member.

Mr. DEANE, in the absence of the Cabinet-keeper, who was the Chairman of a Committee of the Council to consider an application made by Mr. Isaac Winslow for the return to him of a chair and table commonly known as the Winslow chair and table, reported that the Committee had examined the various records of the Society, and found that these articles

were deposited in 1835 by the heirs of John Winslow, Esq., of Marshfield, and that Mr. Isaac Winslow was the survivor of these heirs, and held a receipt for them signed by Mr. J. B. Felt as Librarian in 1847.

The Recording Secretary of 1835, in making up the minutes of the April meeting of that year, recorded a *donation* from the heirs of John Winslow, Esq.; and these articles had since that time been generally regarded by our members as the Society's property, and treated as such. The presiding officer occupied the ancient chair at the meetings of the Society for many years. This was cleansed and provided with a cushioned seat embroidered with Governor Winslow's device, — a pelican feeding her young, — in 1844, at the care and charge of Judge Davis. It appeared, however, from an entry made in the book of accessions to the Library at the time, that these articles were *deposited*. And in a list of articles left on deposit made by Mr. Felt, in accordance with a vote of the Society in October, 1842, these articles are named as deposits, and Mr. Isaac Winslow recognized as their owner. Under these circumstances, the Committee recommended that the table and chair be restored to Mr. Winslow.

The report had been made to the Council at their meeting this day, and that body had agreed to have it presented to the Society for action. It was voted to accept the report, and to surrender the Winslow table and chair to Mr. Isaac Winslow.

MR. JUSTIN WINSOR, for the committee appointed at the last meeting to revise the By-laws, reported a few amendments, all of which were, after discussion, adopted.*

The PRESIDENT announced the following appointments of members to prepare Memoirs of deceased associates: General F. W. Palfrey to prepare a memoir of the Hon. John C. Gray; Rev. R. C. Waterston, of Dr. George B. Emerson; Rev. E. G. Porter, of the Hon. Charles Hudson; Rev. E. F. Slafter, of Mr. C. W. Tuttle; Hon. E. R. Hoar, of Judge Seth Ames; Mr. C. Deane, of Dr. S. F. Haven; Rev. J. F. Clarke, of the Rev. Dr. W. Newell; and Judge Lowell, of his father, the Hon. John A. Lowell.

The Rev. Dr. HENRY M. DEXTER read an interesting paper controverting the opinion advanced by Mr. S. H. Gay, in his history of the United States, and later in his article in the "Atlantic Monthly," in reference to the place of the landing of

* The By-laws in the new draft are printed below, pp. 182-193. — EDS.

the Pilgrims, Dec. 21, 1620. He presented an argument, from the topography of the harbor, the depth of water in the channel, and the extent of shallows and flats, that Plymouth was the easiest and most natural place at which the shallop could make a landing; particularly as it was not a mere stepping on shore that was intended, but the finding of a good harbor and a place to settle down upon, "fitt for situation."

Colonel HENRY LEE called attention to the interesting letter of J. H. Voss, the eminent German scholar, published in the last number of the "Literary World," for December 3, in which an account is given of Major John André's departure from Göttingen to join his regiment, Nov. 1, 1772. There is much obscurity over the early years of André's life, and while his biographers seem to have known of his residence at one time in Germany, there has been no mention made of his connection with a university there.

M. Jules Marcou, a Corresponding Member, presented, through Mr. DEANE, a copy in bronze of a reproduction of the rare diplomatic medal. This medal was intended to be given to European diplomatic agents sent to this country, who, during their residence here, had rendered special service to our Union. Two medals struck in gold were given by Washington's order in 1790, — one to the Marquis de la Luzerne, the other to the Count de Moustier. M. Marcou bought, in 1867, from a dealer in coins, on the Quai, in Paris, a lead proof of this medal, which he thus describes: "A lead proof, in two parts, waxed on a piece of board, and in a frame, as the engravers of medals arrange the proofs of dies." He found two copies of the medal itself in the great collection of M. Gatteaux, a gallery of treasures which that gentleman intended to bequeath to his country, for the Museum of the Louvre, but which was totally destroyed by fire during the devastations of the furious *commune* in 1871. M. Marcou's interesting reproduction was made at the United States Mint, in Philadelphia.* The thanks of the Society were voted for this acceptable addition to the Cabinet.

Mr. DEANE communicated, as a gift to the Society, a small parcel of manuscripts placed in his hands for that purpose by the Rev. George M. Folsom, of Cambridge, should they prove, on inspection, to be worth saving. They appear to have come from the family of the Rev. Nicholas Gilman, of Exeter (H.C.,

* For accounts of this medal, see Mr. J. F. Loubat's "Medallic History of the United States," vol. i. pp. xxix, xxx, 115-126; and "American Journal of Numismatics," vol. ix. pp. 65, 78. M. Marcou's story of his discovery of the lead proof is at the last citation. — EDS.

1724), subsequently minister of Durham. They consist of a few sermons, more abstracts of sermons, a few letters, and miscellaneous papers. Many of the papers are in a mouldy condition and uninviting to the eye. There is one letter from John Seccombe (H.C., 1728, author of "Father Abby's Will"), dated "Cambridge, March 30 [1729], about 9 Oc. at night," to Nicholas Gilman of Exeter, giving the usual college gossip, — *e. g.*, who had been degraded, who had been admonished for playing cards and stealing turkeys, and for turning up a penny to see which of two culprits should perform the office of prayer in his chamber; that is, "for making a mock of prayer."

Gilman had a call to settle in Newmarket, and the following is the offer of the parish, dated March 18, 1728-9, found among these papers: —

"The offer of the committee of the parish of Newmarket to the reverend Mr. Nicholas Gillman is — One hundred pounds annually and one hundred pounds toward his settlement, and twenty acres of land as convenient to the meeting-house as possible may be purchased, and also one hundred acres of land or upwards in the common"; signed by "Joseph Hall, Andrew Gleden, Thomas Young, these in behalf of the rest of the committee." Mr. Gilman, it is believed, did not finally accept this offer, — though he may have intended to do so at first, as Seccombe, in the above letter, speaks of wishing to attend the ordination, — and the Rev. John Moody was ordained here in the following year. Gilman was settled in Durham in 1741.

Among the scraps of papers here is one headed: "1741, Nich^o. Gilman, Books Lent," followed, in one column, by a list of some seventy-five titles of books, with the names of the borrowers, in another list, against each. It is safe to say that such books would hardly circulate in the Boston Public Library to-day, or anywhere else; and their appropriate place would be in the General Theological Library, among books never expected to be asked for.

There is one manuscript among these papers of more interest. It is a small book of some forty pages, in the handwriting of Dr. Benjamin Colman, the first minister of Brattle Street Church, in Boston. It will be remembered that that church was founded without the approbation of the other churches in Boston, particularly in opposition to Increase and Cotton Mather. In reply to the "Manifesto" of their principles, which they issued in a half-folio sheet, in November, 1699, Increase Mather sent out a book called "The order of

the Gospel professed by the church of Christ in New England." To this the Brattle Street Church rejoined in a tract entitled "Gospel Order Revived, Being an Answer to a Book lately set forth by the Reverend Mr. *Increase Mather*, President of *Harvard College*, &c., entitled, *The Order of the Gospel*, &c. Dedicated to the Churches of Christ in *New England*, By *sundry of the Ministers of the Gospel in New England*. . . . Printed in the year 1700."

The authorship of the tract last named is attributed to Colman, though it is supposed he had the assistance of others. The little manuscript book found here, in Colman's hand, is, apparently, the original draft of the printed book, largely rewritten, however, before it was sent to the press. The titlepage reads: "Gospel order reviewed [not revived], being an answer to a book lately set forth by the Reverend Mr. Increase Mather, president of Harvard Colledge, in New England, & teacher of a church of Christ in Boston, intitled gospel order, wherein the assertions are examined, and brought to the ballance, & some weighed & found wanting. Dedicated to the churches of Christ in New England. By the undertakers of the new church in Boston." . . .

A vote of thanks was passed to Mr. Folsom for the gift communicated through Mr. Deane.

Mr. DEANE said that his attention had been called to a passage in one of President Stiles's note-books, preserved among the "Holmes Papers," in the Society's Library, evidently kept preparatory to a history of New England, contemplated and partly written by him. In citing his authorities, the President refers to Johnson's "Wonder Working Providence," which, he says, was "printed in 1658, in a collection ascribed to Sir Ferdinando Gorges, as published by his grandson, who, however, disclaimed it in the following advertisement in the 'Mercurius Publicus' of Thursday, Sept. 13, 1660." Then follows the extract from that paper, as read by Mr. Deane at the meeting of the Society in June last, and published in the Proceedings for that month, vol. xviii. p. 435.

This note-book of Dr. Stiles's, which is dated at the beginning, Feb. 12, 1772, was shown to Mr. Deane by the Recording Secretary, who arranged the "Holmes Papers," and prepared a description of them for the Proceedings of September, 1879.

Mr. GEORGE DEXTER stated that he had just received from the Public Record Office in London copies of certain letters

of Governor Hutchinson, and other papers, to which the attention of the Society was called by Mr. Winsor and Professor Torrey at the October meeting, and the procuring of which was referred to the committee to publish the Proceedings.

The value of these letters is lessened by the fact that the abstracts given in Mr. Roberts's calendar are very full, and contain nearly the *ipsissima verba* of the writer. Still, as these calendars are not as well distributed in this country as they might be, and as the letters are interesting, it seems best to reproduce them here:—

Entry Book lettered "Domestic, Geo. III." Vol. 11, pp. 2-7.

[In margin.] *Govr. Hutchinson. Boston, 22 Jan^{ry}, 1771.*
(Private.) *B 30th March.*

MR LORD,—The disorders in the colonies do not seem to have been caused by the defects in the forms or constitutions of government. They have not prevailed in the several colonies in proportion as one colony has been under a more popular form of government than another. They must be attributed to a cause which is common to all the colonies, a loose, false, and absurd notion of the nature of government which has been spread by designing, artful men, setting bounds to the supreme authority, and admitting parts of the community and even individuals to judge when those bounds are exceeded, and to obey or disobey accordingly.

Whilst this principle universally prevails in any community, be the form of government what it may, or rather let it have what name it will, for it must be a name only, there can be no interior force exerted, and disorder and confusion must be the effect.

When this principle prevails through any distinct parts of a community, and there is no apprehension of force from the supreme authority of the whole or from any power exterior to such parts, the effect is the same in those distinct parts, as it is in the whole community when the principle universally prevails there.

Measures for reforming the constitution of any people under such circumstances will probably be ineffectual, and tend to increase their disorders.

The colonies were under these circumstances when I wrote my first private letter to your Lordship. There was a general opinion prevailing that they had it in their power to distress the kingdom by withdrawing their commerce from it, and that there was not the least danger of any compulsory measures to cause obedience to any acts or orders respecting them. In this colony there was room to hope for a change of circumstances, but it was uncertain and probably at a distance.

They had just felt the shock of that most fortunate stroke which freed the castle from any dependence upon the people, and kept the

harbor and town of Boston under the command of the king's ships, but the effects did not appear. I was striving for a just decision in the case of the soldiers, and not without hopes, but far from being certain of success. There was a prospect of the dissolution of the confederacies against importation, though several of the colonies appeared to be more resolute and confirmed. There was also an expectation of a rupture between Great Britain and France or Spain, or both, which would tend to show the people their dependence upon the kingdom and the reasonableness of their submission to the supreme authority of it.

I was not insensible of the peculiar defects in the constitution of this province, and I have complained of the Council as being under undue influence, and casting their weight into that scale which had much too great proportion before; but I was doubtful myself, and I found some judicious persons in whom I could confide to be doubtful, also, whether while the body of the people continued in the state they were then in, such councillors as should be appointed by the Crown would dare to undertake the trust, or if they should do it, whether the people in general would not refuse to submit to their authority, and I feared the consequences of either would more than countervail the advantages which would arise merely from an alteration in the constitution if accomplished.

To this state of our affairs and a mind influenced by it, I beg your Lordship to attribute that want of determination which appeared in my private letters, and not to any degree of unwillingness to trust with your Lordship my real sentiments upon any occasion whatsoever.

The change in the temper of the people has been brought about sooner and to a greater degree than anybody could expect, and we seem now to be as well prepared either to receive such a change in the constitution as we probably shall be at any time hereafter, or if it shall be thought more eligible to defer it, we may probably remain in tolerable good order until such time as shall be judged more convenient, provided something is done in the mean time which shall discover the resentment of the kingdom against our avowed principles and the practices consequent upon them, and which shall give us cause to imagine that farther measures are to be taken with us. Such resentment has been everywhere expected. If omitted we shall go back to our former disorders.

That wise step of changing the garrison at the castle began our cure. In the height of our confusion a citadel upon Fort Hill seemed also to be necessary. I now think the same end is answered without it as would have been with it. It may, however, not be improper for the king to have the actual possession of that spot, either by erecting at a small expense a warehouse or magazine for stores, or by making some kind of enclosure to restrain from encroachments, and yet not prevent the inhabitants from using the place to walk and air themselves in as they now frequently do. There is a vote of the town for selling it. I will watch their motions, and if anything farther is attempted will take public notice of it. If no farther advances are made for

securing the good behavior of the town there certainly will be no receding. To depart suddenly from what has been done at the castle &c. would be very dangerous.*

Every act of Parliament carried into execution in the colonies tends to strengthen government there. A firm persuasion that Parliament is determined at all events to maintain its supreme authority, is all we want; few or none are now so weak as to question their power to do it. If acts were passed more or less to control us every session, we should soon be familiarized to them, and our erroneous opinions would die away and peace and order would revive.

An act to enable the king to alter the bounds of the province by his commission, the charter notwithstanding, by making the Province of Main and country east of it a distinct and separate province, and to annex or not annex, as His Majesty may think fit, New Hampshire to the Massachusetts, or to separate the country east of Penobscot, and annex it to Nova Scotia, might either be kept as a rod over us, and a security for our good behavior, until the king's pleasure should be determined; or if it should be executed immediately, it would show a just resentment against the province for countenancing the intrusions in the Eastern country, whereby the king's timber is exposed to waste and havoc, and it would be a striking instance of the power and authority of Parliament. The act would be executed, for nobody would risk their property, or be concerned in any judicial proceedings relative to it, under a jurisdiction assumed contrary to an Act of Parliament, seeing such proceedings sooner or later will be deemed a nullity.

If no exception be taken to the vesting such a discretionary power in the Crown, perhaps it may be thought expedient whenever the charter and case of the province comes under consideration, instead of expressly declaring that the power of electing councillors by the Assembly shall determine and cease, to enable His Majesty by his royal order or declaration to determine it, and to appoint a Council instead thereof, as he may think proper.

The late act permitting the issuing bills of credit at New York was extremely well adapted to maintaining the authority of Parliament; and others of the like nature might be mentioned as convenient to be passed here.

I hope to receive your Lordship's directions concerning the two officers at the castle, which I thought necessary for His Majesty's service to continue in pay, and which is all the expense I have occasioned since the withdrawal of the garrison.

I took the liberty to mention to your Lordship the case of Captain Phillips, the late commanding officer at the castle.† He is without

* On the change of the garrison at Castle William see, among other accounts, Hutchinson's "History," vol. iii. pp. 307-312; and Wells's "Life of Samuel Adams," vol. i. pp. 355-362. — Eds.

† Captain John Phillips was made fort major of the castle the next year at the instance of Mr. John Temple, afterward Sir John. See his letters in the Proceedings for February, 1872, pp. 207-211; and notice particularly Temple's statement in the letter on p. 210. — Eds.

support for himself and family, and is by far the greatest sufferer of any belonging to the late garrison, his place being worth between two and three hundred pounds sterling a year.

I hope the rest of the garrison being scattered abroad will never occasion any charge to the Crown. He presses me very hard, and though his removal was absolutely necessary and I did my duty, yet as I was the immediate instrument, his case affects me more sensibly; and this is all which moves me to apply in his behalf, having no sort of connection with him. I could not refuse his request to transmit to your Lordship his petition to the king, but I let him know it must be presented or suppressed, just as your Lordship should think fit. As it respected his military post I was in doubt of the propriety of his address to His Majesty *in Council*, but if those words are necessary I have authority from him to pray they may be added.

I am taking every measure in my power consistent with the honor of Government, to reconcile Civil and Military, Whigs and Tories, and we begin to be sensible that it must be a very bad constitution, indeed, which is not preferable to the savage state we have been in for some years past.

I have, &c.,

THO^s. HUTCHINSON.

- [Enclosures:] 1. Petition of John Philips, late Capt. Lieut. of the garrison of Castle William in the Harbour of Boston.
2. A Boston Gazette.

Entry Book lettered "Domestic, Geo. III." Vol. 11, pp. 7-9.

[In margin.] *Boston, 4th Feby., 1771. Gov^r Hutchinson. (Private.) J. P. B. 30th March.*

DEAR SIR,—I wrote to General Gage that the prospect of war made it necessary that immediate care should be taken about the platforms and carriages at the castle. He writes in answer as follows: "I have had, previous to your letter, some talk with Captain Montresor concerning the platforms, who is to lay a state thereof before me; and unless necessity urges it, the state of them and an estimate of the expense of the repairs must be transmitted home for approbation before any works of this kind can be undertaken." I had wrote before that the timber must be cut in winter and seasoned, or it would cost double price. A few weeks more will make it too late for this season. The Assembly was so sensible of the want of these repairs, that if the exchange of the garrison had been delayed a month longer what was called the committee for the castle would have contracted for all the materials. I think it is not possible the castle should be put up on the old footing. Nothing could have a greater tendency to hurt Government. If this is not to be the case, it will be no advantage to delay the repair, but it may be of fatal consequence.

I cannot help observing that the exclusion of the governor from the direction of these repairs is derogatory in the eyes of the people, and they say does not consist with what I have endeavored to persuade them to believe, — that I still retain that command over the castle which is given to the governor by charter and by his commission.

If the governor is to be excluded, I know of no person who I should wish to have the sole direction rather than General Gage, with whom I have always preserved a perfect harmony; and I mention these things in a private letter to you, because I would have nothing appear which may have the least tendency to interrupt it. If it be determined to be most proper that the direction of the castle should continue in all respects as it is at present, I am afraid it will occasion trouble; but I will, notwithstanding, do all I can to prevent it.

I am, &c.,

HILLSBOROUGH.*

Entry Book lettered "Domestic, Geo. III. Vol. 11," p. 33.

[In margin.] *Boston, 15th August, 1771. Gov^r Hutchinson. J. P.
Rec^d 29 Oct.*

DEAR SIR, — I may not suffer Commodore Gambier to leave us without a letter to you, to inform you of the assistance I have received from him in the administration of government, being ever ready to join in promoting conciliating measures as far as could consist with the support of authority; and as he was ordered here for a purpose far from agreeable to the people, I think it much to his honor that he has been able to acquire so general an esteem without conceding to any of their irregularities.

I am, &c.,

THOS. HUTCHINSON.†

Entry Book lettered "Domestic, Geo. III. Vol. 11," pp. 31-33.

[In margin.] *1771. Boston, 25th Aug^t. Gov^r Hutchinson. B
29th October.*

MY LORD, — Mr. Henry Barnes, who lately arrived from England, has requested me to cover a letter from him to your Lordship, and to make a representation of his services and sufferings in the cause of Government. He has not acquainted me with the contents of his letter. He certainly has suffered greatly by his refusing to comply with the scheme of non-importation, and by his endeavors to support the authority of the magistrate; but in his solicitations for compensation

* So entered, but clearly a mistake of the copyist. — *Note in the copy received from England.*

† See below, p. 140. — Eds.

he discovers more impatience than I could wish, which I am willing to attribute to a mind chafed with the troubles he has met with, and impressed with a strong sense of his merit, which he supposes to exceed that of many others who have received the favors of Government. He complains of my neglecting him in not particularly recommending his case to your Lordship when he went to England; and though he did not ask it of me, yet concluded that I had done it in the course of my public correspondence as governor of the province. I transmitted an account of the incendiary letters sent him, and I would have been more particular if he had desired it of me.

For his general character, which is very good, I thought he depended on Sir Francis Bernard, who I knew held him in esteem, and to whom he was more particularly known than to me. If there was any thing in the province in my disposal worth his acceptance I would give it him; but there is not.

Permit me, my Lord, to take this opportunity of making my grateful acknowledgments to your Lordship for His Majesty's warrant to the commissioners of the customs for the payment of my salary. The fund upon which this warrant is charged would rise to a very large sum if the illicit trade with Holland could be prevented.

The consumption of tea in America exceeds what anybody in England imagines. Some persons capable of judging suppose five-sixths of what has been consumed the two last years has been illegally imported; and in Philadelphia and New York it is judged nine-tenths.

In my letter to your Lordship of the 14th inst., I expressed my hopes that a vigorous pursuit of the illicit traders by the cruisers would discourage the trade; but I am informed they make such an extravagant profit that it will require more frequent seizures to discourage it than we have any reason to hope for.

If the India Company had continued the sale of their teas at 2s. 2d. to 2s. 4d., as they sold them two years ago, the Dutch trade would have been over by this time; but now that teas are 3s. and upwards in England, the illicit trader can afford to lose one chest in three, whereas I am very sure not one in a hundred has been seized.

The custom-house officers on shore have strong inducements to do their duty, but they are really afraid of the rage of the people. The sea-officers have of late been more active than formerly, and Admiral Montague appears disposed to keep out his cruisers. I doubt, notwithstanding, whether this trade will ever be discouraged in any other way, especially in New York and Philadelphia, than by reducing the price of tea in England, to the exporter, very near the price in Holland. For want of this, the revenue, by a moderate computation, has lost the last and present year at least sixty thousand pounds sterling from the 3d. duty only, besides what it would have left in England over and above the drawback.

Your Lordship has encouraged me when any thing occurs for His Majesty's service, though out of my immediate department, to suggest it. I believe the cruising vessels are capable of doing more towards suppressing the illicit trade than the officers ashore. They should

therefore be excited to their duty by a reward in proportion to their activity.

The commanding officer of the squadron may very well retain the same share of the seizure which he is now entitled to, because the direction of the whole depends upon him; but it seems that a greater proportion is necessary for the particular officer who makes the seizure under a commission from the customs, than what he is now entitled to. If the officers on shore were not entitled to one-third, or a larger proportion, we should have no seizures made on shore; and I believe the remissness of the sea-officers is very much owing to the small share which he who makes the seizure is entitled to, which might be one-third of the whole with as much reason as to the officer on shore.

I the rather suggest this to your Lordship, because I have discovered, when I have sworn some of the navy-officers to qualify them for their commissions from the customs, a great indifference and a disinclination to make themselves obnoxious to the people without any great advantage to themselves.

I am, &c.,

THOS. HUTCHINSON.

Entry Book lettered "Domestic, Geo. III. Vol. 11," pp. 25-28.

[In margin.] *Govr. Hutchinson. J. P. B. 13th Sep^r*

Boston, August, 1771.

DEAR SIR, — I enclose to you Sir Francis Bernard's newspapers, that you may see what sort of a correspondence is carried on between the House and their agent. The clerk of the House is the reputed writer of the illiberal and seditious pieces in the newspapers, and furnishes these letters to serve the same though he knows their agent cannot be pleased with it.* This doctrine of independence must sooner or later become a serious affair, and the same spirit which denied the authority of Parliament to make laws now denies the authority of the king to give instructions to his governor. I have so often wrote my sentiments of the danger of suffering such doctrine in any part of the Legislature especially to pass without notice that I need not repeat them.

In the paper of the last date you will see an account of a verdict for two thousand pounds sterling damages in an action brought by Mr. Otis for an assault and battery by Mr. Robinson, commissioner of the customs. Both parties have appealed to the Superior Court. It is not impossible that a jury there may have as little regard to law and evidence as they seem to have had here. Robinson may appeal to the king in Council, but the charter provides that the judgment shall be first satisfied, and security given to refund in case the judgment shall be reversed. Besides, will there be no difficulty in the taking cogni-

* Samuel Adams was the clerk of the House. — Eds.

zance of an action of this nature which wholly depends upon evidence? Has not an appeal in an action of the same nature from New York been dismissed? There is, however, this difference that, by our charter, all personal actions without distinction where the value exceeds three hundred pounds are subjected to an appeal. I will endeavor that the action may be continued at the Superior Court to another term.

As Mr. Robinson is now in England he will be able to judge whether it is advisable for him to return, for, keeping out of the province, he may prevent the judgment having any effect, no special bail being given.

If it be thought best to bring it before the king in Council he may as well be here as not, for the money must be paid; and if the appeal is not claimed in fourteen days after judgment it cannot be received.

Neither the judges nor the Attorney-General are clear in the discharge of Richardson without some further evidence of His Majesty's pardon, which it does not appear to them ever has been done. If a copy could be procured of the Newgate Pardon attested I hope it may be sufficient. I am not acquainted in what manner pardons are passed for such persons, whose sentences are respited in the several counties in England, but if it be usual to insert the names of such persons in the Newgate pardons, I wish to be furnished with a certificate that it is so. It is a hard case upon this poor fellow to lie so long in a horrid gaol; but I can do no more for him than I have done; and it is compassion which moves me to ask this further trouble from you.*

I am, &c.,

THOMAS HUTCHINSON.

- [Enclosures:] 1. A Boston Gazette of July 22d, 1771.
2. A Boston Gazette of July 29th.
3. A Boston Gazette of August 1st.

Entry Book lettered "Domestic, Geo. III." Vol. No. 11, pp. 34-36.

[In margin.] *Boston*, 10th Sep^r. 1771. *Gov^r. Hutchinson*. *R*. 29th October.

MY LORD. — Your Lordship does me great honor by your private letter of the 30th of May, which I did not receive until after I had closed my last letter to your Lordship of the 25th of August.

Having made the illicit trade with Holland the principal subject of that letter, I beg leave now to submit to your consideration an estimate of the consumption of Bohea tea in America.

From the best accounts I can obtain from the dealers in teas the two towns of Boston and Charlestown consume a chest, or about 340 lbs., per day, one day with another. These two towns are not more than one-eighth, perhaps not more than one-tenth, part of the province. Suppose they consume only 300 chests in the year, and

* See Hutchinson's "History," vol. iii. p. 287 n. — EDS.

allow that they are one-eighth, it will make 2,400 chests for the whole province.

This is much short, for in the country towns there is more tea drank in proportion than at Boston. This province is not one-eighth part of the colonies; and in other governments, New York especially, they consume tea in much greater proportion than in this province. If it be one-eighth, the whole continent consumes 19,200 chests, which at £4 per chest, the 3*d*. duty only, amounts to £76,800; but my computation is short in every part.

In New York they import scarce any other than Dutch teas. In Rhode Island and Pennsylvania it is little better. In this province the Dutch traders are increasing, and I have frequent informations of large quantities after it is too late to take any measures to discover and seize them; and sometimes such persons are concerned as I thought could not have been capable of countenancing perjury or fraud.

I cannot help repeating to your Lordship that unless the East India Company bring the price of their teas so near to the price in Holland as to make the profit of importing teas from thence not equal to the risk, in a short time there will be scarce any teas imported from England.

Upon intimating to the Acting Collector at Falmouth in Casco Bay, that I was informed the Acts of Trade were broke every day in his district, he acknowledged it to be true, but added that the officers on shore had it not in their power to prevent it, and he suggested that the only way was to increase the number of small schooners, and to keep one or more constantly cruising in that bay rigged and fitted to appearance like fishing schooners. This, he said, would be no additional expense to the Crown, except the first cost of the schooners, which need not exceed £300 sterling each, as they might have men and stores from the ships.

We have not virtue enough to become obnoxious to the people merely from a sense of duty. It seems therefore that it would be best to have one officer only in each vessel with a commission from the customs, and he to have the command, and to be entitled to all but the king's half of the forfeiture, which would give him a good chance of making a small fortune, and stimulate him to his duty. There does not seem to be the same reason for sharing any part among the crew or other officers, as in cases of prizes taken in war, where all their lives are exposed, for in the present case there is no danger of resistance to an armed vessel, seeing all our smugglers are themselves unarmed, and depend entirely on concealment.

There may be inconveniences from this proposed measure which I do not foresee, but as I have no interest in the seizures made by the sea-officers, I hope your Lordship will pardon the suggestion, and attribute it to my sincere desire to promote His Majesty's service whenever there is the least room to hope for success.

I am, &c.,

THOMAS HUTCHINSON.

Entry Book lettered "Domestic, Geo. III." Vol. 11, pp. 41-44.

[In margin.] *Gov. Hutchinson. Private. J. P., Esq.*

BOSTON, 15th June, 1772.

DEAR SIR, — It may not be amiss to give you a more circumstantial account of my removal of the court to Boston than was proper in a public letter to my Lord Hillsborough. Before the court met, the Speaker and Mr. Hancock came to me to inquire upon what terms I would consent to their return to Boston. I let them know that if there was any thing in their address or message which tended to a denial of the king's authority to give instructions to the governor, I would not consent to it. The frivolous objections which former Houses had made that the governor has a right to move the court only in cases of necessity, because Boston was the best place, and all power was vested in the governor for the public good and the like, if, to save appearances they would insist upon inserting them, I could pass them by as not worth regarding. They encouraged me they would comply with my proposal if Mr. Adams did not prevent it, against whose art and insidiousness I cautioned them.

I formed my speech so as to avoid disobliging them, being a new House, or to take notice of any thing which had passed in former Assemblies. The Council proposed to the House a committee of both Houses to prepare a joint address or answer, which not being agreed to, they prepared a separate address as decent as I could expect, and for form sake only, I took into consideration their request. The answer of the House was drawn by Mr. Adams in a coarse, illiberal style which I should not much regard, but, knowing it came from him, I suspected he had a reserve, and after I had complied with their request would take the first occasion to observe that the House had declared that when I first removed the court, which I told them I did by the king's order, I was under no necessity of doing it. My zeal to maintain the authority of the king's instructions led me, by a message, to desire an explanation. This was improved by the faction to raise the resentment of the whole House as suspecting them of duplicity, and calculated to bring them to an explicit submission to a point which I had only required a former House to desist from disputing, and they with a general voice declared their expressions to be sufficiently plain, and would give no other answer to my inquiry. This led me to give the reason of my question, and to declare that whilst the king's authority to instruct the governor was disputed, I did not intend to remove the court. This was on the 3d of June. I soon discovered that the members universally declared that whatever the person who drew the message had in his thoughts, they had nothing more in theirs than that they could not see any necessity for my convening them at this time at Cambridge, and that except in a case of necessity, as some contagious distemper or the like, the public good required that I should have convened them at Boston. This declara-

tion had spread a general opinion through the province that the House had no design to dispute the instruction, and that notwithstanding my professions, I never had intended to remove them to Boston. The friends of Government in general pressed me to some expedient. I gave them no encouragement, and kept the court sitting ten days, the House attending to their ordinary business without any motion for a reply to my last message to them. The Council expecting a further answer to their address, which I had promised to take into consideration, I gave notice for a General Council on the 13th of June, and having gone through the other business of Council before I gave my answer, I caused the whole matter to be laid before them, and upon a full consideration of it required their opinion and advice upon their oaths whether, consistent with His Majesty's directions to me, I could remove the court to Boston. Fourteen were present, and they every one gave their voices that I might. By this formality I have manifested to the people of the province my strict regard to the king's instructions, and it will strengthen me in my adherence to them upon other points which I am yet to contest, and which I can do to greater advantage at Boston, where I can see the members at all times, than at any other place, unless it be made the seat of government, for the other business of the province will not admit of my constant absence. I shall be happy if in this affair I may have His Majesty's approbation.

You see I accepted Hancock, who has for many months gone as far with the party as has been necessary to prevent a total breach, and no farther, and his refusal to accept the place was not from any resentment for former negatives, but from an apprehension that he should show to the people he had not been seeking after it. The measure will have good consequences, and end in wholly detaching him from them, or lessening his importance if he should put himself into their hands again.

Give me leave to convey to you the grateful acknowledgments of the poor family at Plymouth, in this province, relieved by your kind interpositions in behalf of the unfortunate person who was prisoner in Lancaster Castle.

I am, &c.,

THOMAS HUTCHINSON.*

Entry Book lettered "Domestic, Geo. III." Vol. 11, p. 48.

[In margin.] *Govr. Hutchinson. J. P.*

Boston, Nov. 10th, 1772.

DEAR SIR,—The restless faction in this town have pleased themselves with hopes of fresh disturbances from the salaries proposed for the Judges of the Superior Court, and the usual first step has been

* Three short extracts from this letter have been already printed in Wells's "Life of Samuel Adams," vol. i. pp. 472, 475, 478.—Eds.

taken, — a town meeting. Hitherto they have fallen much short of their expectation, and even in this town have not been able to revive the old spirit of mobbing, and the only dependence left is to keep up a correspondence through the province by committees of the several towns, which is such a foolish scheme that they must necessarily make themselves ridiculous. Of late, in order to intimidate, they have been very frequent in their hints of the lawfulness of assassination, poisoning, &c., which, without answering their purpose in any degree, has caused some who are not of the most hardened sort to forsake them. Some of the worst of them one would not choose to meet in the dark, and three or four at least of their corresponding committee are as black-hearted fellows as any upon the globe. Strange that a government which within a century was so pure as to suffer no person to be free of their Commonwealth who was not one of their church members, should now take for their leaders men who openly condemn all religion, and should join deacons and atheists in one trust, and that they should be instigated to this by some of the clergy, who make the highest pretensions to devotion, and yet the spirit of political party produces all this.

I can have no doubt of your continuance in the same character in which I used to direct your letters, but wish, when you have leisure, to know it under your hand.

I am, &c.,

THOMAS HUTCHINSON.*

Bound volume of Papers entitled "Domestic, Geo. III. No. 9." No. 11 (a, b).

SIR, — Upon reading to my Lords Commissioners of His Majesty's Treasury a memorial of James Gambier, Esq., stating that in July, 1770, he was appointed commander-in-chief of His Majesty's ships in North America, with instructions to be particularly attentive to what should pass at Boston, that in the execution of these instructions, and in carrying on the king's service on shore, he was obliged to be at very considerable extraordinary expense, and therefore praying such compensation as my Lords shall think fit, I am ordered by their Lordships to transmit the same to you with their desire that you lay the same before the Earl of Hillsborough for his opinion thereupon.

I am, sir,

Your most humble servant,

JOHN ROBINSON.

TREASURY CHAMBERS, 3d March, 1772.

JOHN POWNALL, Esq.

[Endorsed:] Treasury Chambers, 3d March, 1772. Mr. Robinson. J. P. R 5th.

* See "Life of Samuel Adams," vol. i. p. 497, and vol. ii. pp. 1, 2. Mr. Wells gives the date of the letter in both citations as November 13. — Eds.

[Enclosure.]

To the Right Honorable the Lords of the Treasury. The memorial of James Gambier, Esq.

That your memorialist in July, 1770, was appointed commander-in-chief of His Majesty's ships in North America, with instructions "to be particularly attentive to what should pass at Boston, the colony of the Massachusetts being at that time in the utmost state of anarchy and opposition to Government, to support and protect the governor and civil magistrates and the officers of the revenue in the execution of their duty, and for enforcing a due obedience to the laws of this kingdom, the execution of which had in several instances been violently rejected; and there being reason to apprehend further disorders and violence."

That your memorialist, on his arrival, found His Majesty's affairs in that province in such a critical situation as to require the utmost exertion of zeal and attention in employing every means and measure to quiet the minds of the deluded people and bring them back to a proper sense of their duty and allegiance, and a due subordination to the power and prerogative of king and Parliament.

That your memorialist was obliged to be at a very considerable extraordinary expense in carrying on the king's service on shore, in conciliating the minds of the people, and in being assistant in the happily effecting those salutary purposes for which Administration thought necessary to send him to Boston.

For the truth and propriety of his conduct on the said service, your memorialist respectfully begs leave to refer your Lordships to the Earl of Hillsborough, His Majesty's Secretary of State for the American Department.

Your memorialist therefore hopes your Lordships will take his case into your consideration, and grant him such compensation as your Lordships shall think fit.

12 February, 1772.

[Endorsed:] Memorial of James Gambier, Esq. R. Feb. 18, 1772. Read 18 Feb. 1772. Transmit to Mr. Pownall. In Mr. Robinson's to J. P. of 3d March, 1772.

Mr. DEXTER communicated, also for publication, a manuscript record-book of the Suffolk Bar from 1770 to 1805, and presented the following introductory remarks:—

Governor Washburn, in his Judicial History of Massachusetts, says that many years passed from the time of the settlement of the country before any thing like a distinct class of attorneys-at-law existed. He thinks, indeed, that there

was no regularly educated lawyer who practised his profession here during the colonial period of our history. Thomas Lechford, who had received a legal training in England, was here only three years, and met with no success in his profession. There were men among the rulers, probably, who had been bred to the law, as Winthrop, Bellingham, and others, before the migration from their native country, but these magistrates did not appear in the courts as advocates of causes. They were judges, not lawyers. The parties in cases appeared at first in person, and spoke "themselves for the most part, and some of the Magistrates where they thinke cause requireth, doe the part of Advocates without fee or reward." * The lawyers who appeared later for the suitors were not educated to their profession. The best known, perhaps, were John Coggan, who was a merchant, Amos Richardson, who was a tailor, and Benjamin Bullivant, who was a physician and apothecary.

In 1692 a special court was created for the witchcraft trials. The attorney-general of this court, Anthony Checkley, was a merchant. He had, indeed, been sworn an attorney in 1686, and his name appears many times in that capacity in the courts, but he had also continued his business as a merchant.† Even the judges of this court, although prominent men, had received no legal education. They were, or had been, clergymen, physicians, and merchants.‡ The elder Judge Lynde was one of the earliest properly educated lawyers in the province, as he was the first trained lawyer appointed to the bench. Graduating from Harvard College in 1686, he went to London six years afterward, where he entered the Middle Temple as a student of law. He was called to the bar in 1697, and returned at once to this country with the commission of King's Advocate in the new Court of Admiralty in New England. In 1712 he was appointed a judge of the Superior Court of the Province, and became its chief justice in 1728.

Attorneys were in time recognized as officers of the court, and by an act passed June 20, 1701, a form of oath of office was prescribed to be administered to them on their admittance. This form of oath was re-enacted in 1785, after the adoption of the State constitution, and, with slight alterations, stands on the statute book to-day. By one of the provisions of an act passed in 1708, a party in any case was

* Lechford's *Plaine Dealing*, in 3 Mass. Hist. Coll., vol. iii. p. 86.

† Washburn's *Judicial History*, p. 204.

‡ *Ibid.*, pp. 145-148.

prohibited from employing more than two lawyers, and no attorney was allowed to refuse his services if the legal fee was tendered. This act was to continue in force for three years. It was given a new life of three years more in 1711, and at the expiration of that time the act was made perpetual. The same provision, limiting the number of lawyers to be employed, appears in the act of 1785, chapter 23, regulating the admission of attorneys. In 1789 an explanatory act was passed by which the principle that citizens could appear to prosecute and defend their own suits in person, or use the services of any person of decent and good moral character, was reaffirmed. These acts were repealed by the Revised Statutes in 1836, which provided, chapter 88, § 26, that parties may appear in person or by attorney, but that no more than two persons for each party shall, without permission of the court, be allowed to manage any case therein. The same provision stands in the General Statutes.

There seems to have been no regular time of study prescribed as requisite for admission to the bar. The earliest reference I have found to this matter is an entry in the diary of Judge Lynde, under date of Aug. 4, 1718: "My son Benjamin went to his uncle, Colo. S. Browne, for 3 years." This was presumably for the purpose of preparing for his profession, but the father, having himself received a special legal education, may have required more than the ordinary professional training for his son.* John Adams, who was admitted an attorney Nov. 2, 1758, had studied with Mr. Putnam of Worcester very little more than two years, and had taught a school there at the same time that he pursued his legal studies. The attempt to pursue two callings at once, as will appear from these records, was subsequently frowned upon by the profession. The custom of requiring three years' preliminary study was adopted, Governor Washburn says, at the recommendation of the Essex Bar, just before the Revolution.† I am inclined to place the date somewhat earlier. These records show action by the bar on the subject as early as 1769, and John Adams speaks of "new rules" in 1761.‡

The distinction between barristers and attorneys was maintained for many years, and rules for the admission to the higher grade of the profession will be found in these records. In an interesting paper published in the Historical and Genea-

* Lynde Diaries, *privately printed*, Boston, 1881, p. 6.

† Washburn's Judicial History, p. 189.

‡ Life and Works, vol. ii. p. 133.

logical Register for April, 1877, at pages 206–208, Mr. Arthur M. Alger claims for Thomas Newton the honor of establishing the difference of grade in the profession in this country. Newton was born and educated in England, came over in 1688, and was the first barrister in New England. He became attorney-general and one of the deputy judges of the Court of Admiralty. “To his influence,” Mr. Alger says, “may be attributed the introduction of the title of barrister, and the subsequent adoption of the distinction between barristers and attorneys.”

The earliest rule of the court recognizing this distinction in the legal profession was made probably about 1761. John Adams writes in his diary of that year, “Brother [Samuel] Quincy and I were sworn before the Superior Court.”* In Mr. Josiah Quincy, Jr.’s, “Reports of Cases,” published for the first time in 1865, at page 35, is a memorandum of the names of the attorneys, including those of Adams and Quincy, called by the court in 1761 to be barristers-at-law. They appeared in their habits, black gowns, bands, and tie-wigs. Late in life Mr. Adams, writing to William Tudor, who had been a pupil in his office before the Revolution, intimates that Hutchinson made this rule.† One of the new rules was that none below the grade of barrister should argue cases in the Superior Court. This rule was not always enforced. Mr. Quincy notes, in his “Reports” just cited: “At the last sitting of the Superiour Court in Charlestown I argued (for the first time in this Court) to the Jury, though not admitted to the Gown: The Legality and Propriety of which some have pretended to doubt; but as no Scruples of that Kind disturbed me, I proceeded (maugre any) at this Court to manage all my own Business (for the first Time in this County), though unsanctified and uninspired by the Pomp and Magic of — the Long Robe.”‡ His son, the late President Quincy, states, in his biography of his father (page 20), that Josiah Quincy, Jr., had been passed over by the Superior Court in the distribution of honors due to his rank and standing at the bar, and omitted in the calling of barristers, because his

* Life and Works, vol. ii. p. 133.

† I pass over that scenery, which he [Hutchinson] introduced, so showy and so shallow, so theatrical and so ecclesiastical, of scarlet and sable robes, of broad bands and enormous tie-wigs, more resembling fleeces of painted merino wool than any thing natural to man and that could breathe with him. I pass over, also, the question whether he or his court had legal authority to establish a distinction between barristers and attorneys. Innovations, though often necessary, are always dangerous. — *Ibid.*, vol. x. p. 233.

‡ Quincy’s Reports, p. 317.

political opinions made him obnoxious to the court. One of the early entries in this Bar Book, that dated first Wednesday in October, 1770, shows the recommendation of Mr. Quincy, apparently in due course. And President Adams, noting in his diary, July 28, 1766, the bar meeting "for the admission of three young gentlemen, — Mr. Oliver, Mr. Quincy, and Mr. Blowers," consoles himself for the "swarming and multiplying" of lawyers by the reflection that four years must elapse before these young gentlemen can assume the gown, the bar having at last introduced a regular progress to that honor, seven years being the state of probation.* It is more probable that Mr. Quincy was willing to test the legality of one at least of the court's new rules. The seven years were divided, — three of preliminary study, two of practice as attorney at the Inferior Court, and two of the same grade at the higher court.

There is no meeting of the bar recorded in this book between July, 1774, and the same month of 1778. The Revolution had begun, and the courts were suspended for over a year. Boston was a garrison, and no session of the reorganized Superior Court was held there until February, 1777. The constitution of the State was adopted in 1780, and two years later the act of July 3, 1782, established the Supreme Judicial Court, and gave that court power to make rules and regulations for the admission of attorneys and the creation of barristers. In 1783 the form of a writ for the calling of barristers was prescribed, and the seniority of these gentlemen was determined by the date of their writs.† The fee for admission as a barrister was placed at forty dollars by a provision of an act passed Nov. 4, 1785.

The decisions of the Supreme Judicial Court began to be regularly reported in 1805. In the second volume of the "Massachusetts Reports," at pages 72–75, at the close of the March term for Suffolk, 1806, the *regulæ generales* of the court are printed. In these rules the word counsellor is used as the equivalent of barrister, — "counsellors or barristers," — but the distinction between them and attorneys is maintained. The latter must practise two years in the court before applying for the higher grade. Examiners were appointed to ascertain the fitness of candidates; those for Suffolk were Parsons,

* Life and Works, vol. ii. p. 197.

† Historical and Genealogical Register, 1877, p. 207. Mr. Alger quotes there an interesting account from the "Massachusetts Gazette" of Feb. 17, 1784, of the admission of barristers, with the charge to them delivered by Chief Justice Cushing. He says that this was the last occasion of conferring the degree. — Eds.

Gore, Dexter, Otis, William Sullivan, and Charles Jackson. A small educational amendment was made in September of the same year. A year later, 1807, at the September term for Berkshire County, a new rule appears, allowing persons proposed for admission before the adoption of the rules of March, 1806, to come in under the old method. A memorandum added shows that Mr. Otis had declined his appointment as examiner, and that Joseph Hall and Francis Dana Channing were named examiners for Suffolk. At the March term for Suffolk, 1810, we find that the old rules having proved inadequate, new ones, so far as they relate to the admission of counsellors and attorneys, were adopted.* The word barrister is not used in these new rules, counsellor taking its place. The distinction of classes is still retained. It was finally abolished by the Revised Statutes of 1836.

There was an earlier association of the bar of Suffolk County than that whose records are here printed. This appears in the account of the first meeting recorded in this book, where the Secretary is directed to wait upon Judge Auchmuty and ask him for the records of the earlier society. And it was this earlier society, I think, that Mr. Adams had in his mind when he wrote in his autobiography of the changes in the courts and the bar brought about by meetings of the profession. He relates this anecdote: "Mr. Pratt was so delighted with these meetings and their effects, that when we all waited on him to Dedham, in his way to New York to take his seat as chief justice of that State, when we took leave of him, after dinner, the last words he said to us were: 'Brethren, above all things, forsake not the assembling of yourselves together.'"[†] Benjamin Prat was appointed Chief Justice of New York in 1761.

This manuscript is a small quarto book of about one hundred and seventy-five pages, of which one hundred and thirty-eight are written upon. It is bound in faded calf, and in the centre of the front cover a piece of red morocco leather is inserted, with the inscription: "Bar Book, Suffolk County, 1770." It is not certainly known when or from whom the Society obtained it, but there is great probability that it was given in 1841 by the Hon. James T. Austin. The records of the April meeting of that year show a donation from that gentleman. The Librarian's accession book shows that on April 29 (the day of the meeting) Mr. Austin gave "Rules

* 6 Mass. Reports, pp. 382-385.

† Life and Works of John Adams, vol. ii. p. 58 n.

agreed to by the Barristers and Attorneys of County of Essex, March term, 1768, and other matters, a manuscript volume." The entry is in the handwriting of the Rev. Dr. Harris, then Librarian of the Society. A diligent search of the Library now fails to bring to light any manuscript with the title above cited; but the sixth page of this volume is headed in large writing, with the words used in Dr. Harris's description of Mr. Austin's gift, "Rules agreed to," &c. It seems probable that this page caught his eye when he received the volume, and that he made no further examination. But it is very strange that the morocco leather title on the outside cover escaped him. This has the appearance of having been placed upon the book about the time the records were begun.

Boston, January 3, 1770. Wednesday evening. The gentlemen of the bar met at Mr. Ingersoll's,* viz., Benjamin Kent, James Otis, Samuel Fitch, William Reed, Samuel Swift, Samuel Quincy, John Adams, Andrew Cazneau, and Daniel Leonard, Esquires, Barristers; and Francis Dana, Josiah Quincy, and Sampson Blowers, Attorneys; and *Voted*

1. That the barristers and attorneys at the Superior Court belonging to this and the neighboring towns will form themselves into a society or law club, to meet at Mr. Ingersoll's on the evening of the first Wednesday of every month for the year ensuing.

2. That the eldest barrister present preside for the evening, and if no barrister be present the eldest attorney; and that Mr. Kent † accordingly take his place for this evening as the eldest barrister.

3. That a secretary be chosen to record all votes and transactions of this Society, who accordingly proceeded to make choice of a person for that purpose by written votes, and John Adams, Esq., was declared by the President to be chosen.

4. That the Secretary wait on Judge Auchmuty, and request of him the records of a former society of the bar in this county, and invite him to meet with this Society for the future if he thinks fit.

5. That the transactions of this Society be kept secret from all persons, except barristers and attorneys of the Superior Court, upon pain of the displeasure of this Society, and such censure as they shall judge proper to inflict.

* The Bunch of Grapes Tavern, at the corner of State and Kilby Streets. — Eds.

† Benjamin Kent had graduated from Harvard College in 1727, and had been settled as a clergyman before he studied law. He has been classed among the Loyalists, and Mr. Sabine retains his name in his second edition. From these records it appears that he was present at nearly every bar meeting until April 20, 1784, when his name occurs for the last time in the list of gentlemen present. He died at Halifax in 1788, at the advanced age of eighty-one. — Eds.

1770, February 7. The gentlemen of the bar again met, but on account of the absence of a great number agreed to proceed to no business.

1770, March 7. A thin meeting, and therefore agreed to proceed to no business, excepting to appoint a committee to prepare a draft of a circular letter to be sent to the other counties of the province, to invite the concurrence and assistance of the barristers and attorneys through the province; and Josiah Quincy, Esq., was directed to prepare such a letter, and report.

1770, April 4. Josiah Quincy, Esq., reported a letter to the gentlemen of the profession in the other counties, and it was ordered to be filed with the Secretary for further consideration.

1770. First Wednesday in October. A motion was made that Messrs. Francis Dana, Josiah Quincy, and Sampson Salter Blowers be recommended to the Superior Court to be admitted as barristers, they having studied and practised the usual time; and after consideration and debate, *Voted* unanimously, That those gentlemen be recommended accordingly.

1770, November 21. Wednesday evening. At a meeting of the bar at Mr. Ingersoll's, present, Dana, Kent, Swift, Paine, Cushing, S. Quincy, Adams, J. Quincy, Blowers, and Mr. Fitch.

A motion was made by Mr. Samuel Sewall* that he might be recommended to the Superior Court, to be admitted to the oath of an attorney at that court, and produced a certificate from the clerk of the Inferior Court that he was admitted an attorney-at-law and took the oaths the first Tuesday of January, A.D. 1767. After consideration and debate, *Voted* unanimously, That Mr. S. Sewall be recommended to the Superior Court accordingly.

1770, December 1. Wednesday. At a meeting of the bar a letter from the gentlemen of Essex was communicated, and Mr. R. Dana, Mr. Fitch, and Mr. Adams were appointed a committee to take it into consideration and report.

1771, January 2. Wednesday evening. At a meeting of the bar at Mr. Ingersoll's, present, Mr. Kent, Mr. Swift, Mr. Gridley,† Mr. S. Quincy, Mr. Cazneau, Mr. J. Quincy, Mr. Blowers, Mr. F. Dana.

Voted, That whenever the defendant's counsel shall point out to the plaintiff's any defect in his writ or declaration, he shall have liberty to amend upon payment of six shillings before plea pleaded. But if he will put the defendant's counsel to plead, and the writ or declaration is adjudged insufficient, he shall then pay eighteen shillings for the amendment in case an amendment is allowed him by the court, and the defendant shall choose costs instead of an imparlance. This rule to extend only to such defects in writs and declarations as shall be owing to mistake or inadvertence, or other fault of the counsel who drew the writ or his clerk.

* Great-grandson of the chief justice; a refugee, died in England in 1811.
— Eds.

† See "Life and Works of John Adams," vol. ii. pp. 221-223. — Eds.

1771, February 6. Wednesday evening. Report of the committee accepted, and Richard Dana, Benjamin Kent, John Adams, Mr. Fitch, and Mr. J. Quincy be a committee to write a letter to the counties of Plymouth, Bristol, and Barnstable, and to Essex.

Voted, That Messrs. Hichborn, Tudor, Austin, and Bulkley are to be considered as having complied with the rules from the time of their beginning to live with Messrs. Otis, Adams, and Quincy.

Rules agreed to by the Barristers and Attorneys of the County of Essex, March Term, 1768.

1. It is agreed by the barristers and attorneys of this county that where any writ or declaration shall be found by judgment of court, or otherwise, to be abatable, bad, or insufficient, the plaintiff have liberty, before a verdict, to amend the same on his payment of costs to the defendant, or granting him a continuance at the defendant's election. This rule not to extend to any writ, but such as are drawn by some regularly admitted and sworn attorney.

2. The gentlemen of the bar of the county of Essex esteeming it detrimental to the public, that persons not regularly admitted and sworn as attorneys should receive the countenance of the barristers and attorneys who are of this county and are regular practisers, agree unanimously that they will not enter, argue, or in any manner assist in the prosecution of actions brought by such persons without the consent of the bar.

5. It is agreed that we will not take any young gentleman to study with us, without previously having the consent of the bar of this county; that we will not recommend any persons to be admitted to the Inferior Court, as attorneys, who have not studied with some barrister three years at least, nor as attorneys to the Superior Court, who have not studied as aforesaid, and been admitted at the Inferior Court, two years at least, nor recommend them as barristers till they have been through the preceding degrees and been attorneys at the Superior Court two years at the least, — except those gentlemen who are already admitted in this county as attorneys at the Superior and Inferior Courts, and that these must be subject to this rule so far as is yet to come.

8. It being reasonable that we should have an allowance for receiving and paying moneys on the securities put into our hands by our clients, it is proposed the same shall be as follows; viz.:—

For every sum above forty shillings and under five pounds, three shillings; above five pounds and under ten pounds, six shillings; above ten pounds and under twenty pounds, nine shillings; for every pound above twenty pounds, fourpence.*

* There are no gaps in the manuscript. Only certain rules of the Essex Bar are copied. At the top of the page on which section 5 stands, are the words, "At Newbury Port, Sept. Term, 1769." — Eds.

Additions by the Bar of Suffolk.

To the 5th rule: That the consent of the bar shall not be taken but at a general meeting of the bar for the county, and shall not be given to any young gentleman who has not had an education at college, or a liberal education equivalent in the judgment of the bar.

To the 8th: And in case of receiving moneys for persons out of the province, remitted to them, five per cent for receiving and paying.

To the 5th, this amendment: That any young gentleman, who shall have studied with an attorney who shall have been recommended by the bar to the court to be a barrister, shall have the same privileges with those who have studied with gentlemen who have been admitted by the court to be barristers.

1771, May. First Wednesday. At a general monthly meeting of the bar for the county of Suffolk. On a motion made by Mr. Adams that he might have the consent of the bar to take Mr. Elisha Thayer, son of Ebenezer Thayer, Esq., of Braintree, a young gentleman educated at Harvard College, as a clerk; after consideration, *Voted* unanimously, That Mr. Adams have the consent of the bar.

On a motion made by Mr. J. Quincy, *Voted*, That Mr. Dana, Mr. Kent, Mr. Otis, Mr. Adams, and Mr. J. Quincy be a committee to prepare and forward the letters to the counties of Plymouth, Bristol, and Barnstable which were voted to be sent the 6th of February last; and also to write to every county in the province, to invite the barristers and attorneys at the Superior Court, through the province, to meet at the house of Colonel Ingersoll, King Street, Boston, on some day in Commencement week next, to consult and advise together concerning the general affairs of the profession through the province, and to dine together.

1772, July —. Monday evening. On a motion made by Mr. Fitch, *Voted* unanimously, That Mr. Benjamin Hichborn be recommended to the Inferior Court to be sworn as an attorney.

On a motion made by Mr. Adams, *Voted* unanimously, That Mr. William Tudor and Mr. Jonathan Williams Austin be recommended to the court to be sworn as attorneys.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Bulkley be recommended in the same manner.

On a motion made by Mr. Samuel Quincy, *Voted* unanimously, That Mr. Quincy be allowed to take into his office Mr. Edward Walker, and that his time of three years' study be computed from the last fast day.

On a motion made by Mr. Samuel Quincy that he should have the consent of the bar to take into his office Mr. Lithgow,* son of Colonel

* This is probably the William Lithgow who, after serving with credit in the Revolution, was admitted to the bar and rose to be district attorney in Maine. He was also a major general of the militia, and a member of the Massachusetts Senate from the District of Maine. — EDS.

Lithgow, of George Town, *Voted* unanimously in the negative, it not appearing that the gentleman is qualified in point of education according to the rules of the bar.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Quincy be permitted to take into his office Mr. Thomas Edwards as a clerk.

1773, February. Wednesday evening, 24th of the month. At a meeting, on a motion made by Mr. Adams, *Voted* unanimously, That the attendance of Mr. Elisha Thayer at Mr. Adams's office in Boston for the remaining part of Mr. Thayer's three years be dispensed with under the peculiar circumstances of his case, but not to be drawn into precedent.* And that Mr. Thayer be recommended to be sworn at the end of his three years, notwithstanding his having the care of a private school at Braintree for one half of it.

Voted, also unanimously, That Mr. Nathaniel Coffin be recommended to the Superior Court to be sworn as an attorney, he having practised two years at the Inferior Court last October.

1772, September 3. At a meeting of the gentlemen of the bar at Mr. Ingersoll's, present, Mr. Kent, Mr. Otis, Mr. Fitch, Mr. Benjamin Gridley, Mr. S. Quincy, Mr. R. T. Paine, Mr. J. Quincy; a motion was made by Mr. Adams, and it was thereupon *Voted* unanimously, That Mr. Adams have the consent of the bar to take into his office Mr. Jonathan Williams, son of Mr. John Williams the Inspector General, as a clerk, Mr. Williams having a fair moral character and a liberal education at Harvard College.

1772, October 21. At a meeting of the bar at Ingersoll's, present, Mr. Otis, Mr. Fitch, Mr. Swift, Mr. Gridley, Mr. Adams, Colonel Daniel Leonard, Mr. Cazneau, Mr. Blowers; a motion was made by Mr. Adams for consent to take Mr. Edward Hill, son of Mr. Alexander Hill of Boston, as a clerk, and it was thereupon *Voted* unanimously, That Mr. Adams have consent, Mr. Hill having received an education at Harvard College, and having a fair character.

1774, January 12. On a motion made by Mr. S. Quincy, *Voted* unanimously, That Mr. Increase Sumner † be recommended to the Inferior Court this January term for the oath of an attorney, Mr. Sumner having complied with the rules of the bar.

On a motion made by Mr. Adams, *Voted* unanimously, That Mr. Adams have the consent of the bar to take into his office Mr. John Trumbull ‡ as a clerk, his three years to be computed from the 1st of December, A.D. 1773.

* Thayer is starred in the Triennial Catalogue as dying in 1774. — Eds.

† Afterward Governor of the Commonwealth. A memoir of him, prepared by his son, General W. H. Sumner, was published in the "Historical and Genealogical Register" for April, 1854. It is there stated that he was admitted to the bar in 1770, which is an error. — Eds.

‡ This must be Colonel Trumbull the painter, although he does not speak of the matter in his autobiography, and perhaps never really entered Mr. Adams's office. He graduated at Cambridge in 1773, and was at this time teaching school at Lebanon, Conn. — Eds.

On a motion made by Mr. Blowers, *Voted* unanimously, That Mr. Blowers have the consent of the bar to take into his office Mr. Nathaniel Battle as a clerk.

1774, July 26. On a motion made and seconded, *Voted* unanimously, That Mr. Benjamin Hichborn, Mr. William Tudor, Mr. Jonathan Williams Austin, and Mr. John Bulkley be recommended to the Superior Court in August term next, to be admitted to the oath of attorneys of that court.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Perez Morton be recommended to the Inferior Court of Common Pleas to-morrow, to be admitted to the oath of an attorney of that court.

On a motion made by Mr. Adams. *Voted* unanimously, That Mr. Adams have liberty to take into his office Mr. Nathan Rice and Mr. John Thaxter as clerks.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Quincy have liberty to take into his office Mr. Joshua Thomas and Mr. Jonathan Mason as clerks; Mr. Mason's term to be computed from the time he shall come into Mr. Quincy's office, as he is not yet graduated at college.*

1778, July 21. At a meeting of the following gentlemen of the bar for the county of Suffolk at the new Court-house,† present, Mr. Kent, Mr. Lowell, Mr. Tudor, Mr. Morton, Mr. Sumner. *Voted*:—

1. That Mr. Tudor be secretary to record the votes and transactions of the bar.

2. On motion made by Mr. Lowell, *Voted* unanimously, That Mr. Daniel Newcomb be considered as having regularly studied the law since the month of September, 1775, and that he be entitled to the privileges of a student accordingly.

3. On motion from Mr. Lowell, *Voted* unanimously, That Mr.

* Joshua Thomas was probably the graduate of 1772. He went into the military service in 1775, and afterward was the president of the Plymouth County Bar. There is a memoir of him in 2 Mass. Hist. Coll., vol. x. pp. 1-6. Jonathan Mason graduated at New Jersey College this year, and became a prominent man in Boston. He represented Massachusetts in Congress as Senator, and, later, in the House of Representatives. — Eds.

† The last term of the Superior Court was held in September, 1774. The courts were dissolved by the act passed in August, 1775, by which the commissions of the several officers of the province, civil and military, were annulled after September 19 of that year. An attempt was made the following month to reorganize the Superior Court, but it was not until March 20, 1776, that the judges were commissioned. The first court seems to have been held in Essex County in June of that year. Boston was still in the possession of the British army when, in February, 1776, the General Court passed an act altering the place for holding the courts of Suffolk from Boston to Braintree and Dedham, and making the latter the shire town. The first court was held at Braintree in September. The first term held in Boston after the siege was February, 1777. See Washburn's "Judicial History," pp. 164-166; and the note in Quincy's "Reports," p. 340.

The new Court-house was built about 1768. Josiah Quincy, Jr., notes in his "Reports," p. 306, that the March term, 1769, was the first court held in the new Court-house. — Eds.

Christopher Gore be considered as having studied the law according to the rules of the bar, since the month of July, 1776, and that he be entitled to the privileges of such a student.

4. On motion from Mr. Morton, *Voted* unanimously, That Samuel Dogget be considered as having complied with the rules of a law student from March 4, 1777, and be entitled to the privileges of a student accordingly.

5. On motion by Mr. Tudor, *Voted* unanimously, That Mr. Henry Goodwin be considered as a student in Mr. Tudor's office from July 1, 1778, and be entitled to all the advantages of such a student.

6. On motion by Mr. Lowell, *Voted*, unanimously, That Mr. Rufus Amory be admitted as a clerk to Mr. Lowell, and be entitled to the advantages of the bar accordingly.*

7. On motion by Mr. Tudor that Mr. Fisher Ames might be considered as a student with him from last April, and that he might be permitted to prosecute his studies at Dedham, after debate, it appearing a bad precedent, *Voted*, That a further consideration of the motion be adjourned to next bar meeting.

1779, December 3. At a meeting of the bar at the new Court-house, present, Mr. Bradbury, Mr. Kent, Mr. Lowell, Mr. Tudor, Mr. Parsons, Mr. Morton, Mr. Wetmore. Upon motion made by Mr. Morton, *Voted* unanimously, That Mr. Jonathan Mason be recommended to the Superior Court to be admitted as an attorney of said court.

Upon motion made by Mr. Tudor, that Mr. Fisher Ames might be considered as a student with him from April, 1778, although he had during that time pursued his studies at Dedham, after consideration and debate, *Voted*, That Mr. Ames be considered as a law student from the first day of January, 1779, only (this indulgence allowed from some particular circumstances in his favor), and that at the expiration of three years from that day, he continuing in Mr. Tudor's office for the future, he be recommended to be sworn only on condition that he submit to an examination by the bar, particularly in the practical business of the profession.

1780, April 29. At a meeting of the bar at Brother Hichborn's office, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Keith, and Mr. Mason.

Upon motion made by Mr. Morton, *Voted*, That Mr. Samuel Dogget be recommended to the Inferior Court of Common Pleas this day, to be admitted to the oath of an attorney of that court.

Voted unanimously, That in future all the gentlemen of the bar who shall be in town be requested to meet on the first day on which the Inferior Court shall do jury business at each term in January, April, July, and October, at such place and hour as the Secretary shall appoint, who shall send notice accordingly.

1780, July 18. At a meeting of the bar at the new Court-house,

* At the foot of the page, in another handwriting: "Thos. Dawes approved as a student, see p. 22." See the next page. — Eds.

present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, and Mr. Mason.

Upon motion of Mr. Hichborn, *Voted*, That Mr. Royal Tyler* be recommended to the Inferior Court of Common Pleas, to be admitted to the oath of an attorney at that court.

Upon motion by Mr. Lowell, *Voted* unanimously, That Mr. Thomas Dawes be recommended to the Inferior Court of Common Pleas, to be admitted to the oath of an attorney at that court, he having regularly studied three years in Mr. Lowell's office. (A memorandum of the time of his admission as a law student should have been made under the records of the bar meeting of July 21, 1778, but was forgot.)

Upon motion made by Mr. Tudor, *Voted* unanimously, That Mr. George R. Minot be considered as a law student in Mr. Tudor's office from Nov. 8, 1778, and be entitled to all privileges accordingly.

1780, July 22. At a meeting of the bar at the new Court-house, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Mason, Mr. Keith.

Upon motion made by Mr. Hichborn, *Voted* unanimously, That Mr. James Hughes be recommended this day to the Inferior Court of Common Pleas to be admitted to the oath of an attorney at that court, he having studied for four years with Mr. Hichborn, and having received a diploma from Harvard College.

1780, October 10. Tuesday evening. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Sumner, Mr. Mason, Mr. Robbins.†

It is unanimously agreed that eighteen shillings at least, in coin or paper money equivalent, be taken for a writ having a common declaration.

Voted, That no gentleman take a student into his office for a less consideration than one hundred pounds sterling.

On motion made by Mr. Sumner, *Voted* unanimously, That Mr. Sumner have liberty to take into his office Mr. Peter Clarke as a law student and clerk.

On motion from Mr. Lowell, *Voted* unanimously, That Mr. Benjamin Lincoln, having lived with Brother Lincoln at Worcester thirty months as a clerk, have permission to prosecute his studies for the remaining six months in Mr. Lowell's office.

1781, April 17. Tuesday. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Lowell, Mr. Parsons, Mr. Tudor, Mr. Morton, Mr. Hunt, Mr. Keith, Mr. Mason.

It is unanimously agreed that Mr. Benjamin Lincoln, Jr., be recommended on Friday next to the Court of Common Pleas for admission to the oath of an attorney of that court.

It is also unanimously assented to that Mr. William Hunter Tor-

* Afterward Chief Justice of the Supreme Court of Vermont. — EDS.

† Edward H. Robbins, afterward Lieutenant-Governor of Massachusetts. — EDS.

rens, of Charlestown, South Carolina, be considered as a law student in Mr. Lowell's office from Jan. 1, 1781.

1781, July 10. Tuesday. At a meeting of the bar at Mr. Hichborn's office, present, Mr. Kent, Mr. Paine, Mr. Hichborn, Mr. Tudor, Mr. Hunt, Mr. Morton, Mr. Keith, Mr. Mason.

On motion from Mr. Hichborn, *Voted* unanimously, That Mr. Jonathan Fay be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court, he having fully complied with the rules of the bar necessary for such recommendation.

1781, July 17. Tuesday. At a meeting of the bar at the new Court-house, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Wetmore, Mr. Mason.

Upon motion from Mr. Lowell, *Voted* unanimously, That Mr. Edward Sohier be admitted into Mr. Lowell's office as a law student.

Upon motion by Mr. Hichborn, *Voted*, That Mr. Joseph Hall be admitted into his office as a law student.

1781, October 9. Tuesday. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Mason.

Upon motion of Mr. Tudor, *Voted* unanimously, after consultation and debate, That notwithstanding the vote of Dec. 3, 1779, respecting Mr. Fisher Ames, he be recommended to the Court of Common Pleas for the oath of an attorney of that court, in consideration of his having studied for four years and upwards, and his present state of health requiring a relaxation from all study; and in consideration of his cheerfully offering himself to an examination, and his moral, political, and literary character standing in the fairest point of view.

Upon motion from Mr. Lowell, *Voted* unanimously, That Mr. Rufus Amory be recommended to the Common Pleas for the oath of an attorney of that court, this young gentleman having amply complied with the rules necessary for such recommendation, and his conduct being unexceptionable.

Voted unanimously, That Mr. Lowell have the consent of the bar to take into his office Mr. Edward Wendell as a law student.

1781, November 14. Tuesday. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Paine, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Wetmore, Mr. Mason.

Upon motion of Mr. Tudor, *Voted* unanimously, That Mr. George R. Minot be recommended to the Court of Common Pleas to-morrow to be admitted to the oath of an attorney of that court.

1782, July 23. Tuesday. At a meeting of the bar at the new Court-house, present, Messrs. Sullivan, Hichborn, Parsons, Tudor, Sumner, Morton, Mason, Keith.

On motion of Mr. Sullivan, *Voted*, That he have the consent of the bar to take into his office Mr. David Leonard Barnes to finish his law course of reading, said Barnes having studied under Mr. Leonard for two years.

Voted, That the price of writs with common declarations be reduced to twelve shillings.

Voted, That a general meeting of all the gentlemen of the bar who shall be in town be held at the new Court-house in the afternoon of Tuesday, August 27, being first day of the term.

1783, July 11. At a meeting of the bar at the lobby of the Court of Common Pleas, present, Mr. Kent, the Attorney-General,* Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Keith, Mr. Robbins, Mr. Mason, Mr. Ames, Mr. Minot, Mr. B. Lincoln, Mr. Hughes.

On motion of Mr. Sullivan, *Voted*, That Mr. David Leonard Barnes be recommended to the oath of an attorney in the Court of Common Pleas.

Voted unanimously, and it is earnestly requested of all the members of the profession, That they meet at the lobby of the new Court-house in Boston on Friday, July 18, at 10 o'clock, on matters of interesting importance to the fraternity.

1783, July 30. At a meeting of the following gentlemen at the new Court-house, Mr. Kent, Mr. Paine, Mr. Sullivan, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Mason, Mr. Gore, Mr. Dawes.

1. Agreed that Mr. Edward Gray be considered as a student of law in Mr. Sullivan's office from July, 1782.

2. *Voted*, That John Brown Cotting be considered as entering on law study in Mr. Lowell's office from April term, 1783.

3. *Voted*, That Mr. Samuel Quincy, Jr., be considered as a law student in Mr. Gore's office from July term, 1783.

4. *Voted*, That Harrison Gray Otis be considered as a law student in Mr. Lowell's office from July term, 1783.

Voted, That there be a general bar meeting on the Saturday of the first week of the next sessions of the Supreme Court at Colonel Ingersoll's house.

That Mr. Tudor be requested to invite, in the name of the bar, the Justices of the Supreme Court to dine at Colonel Ingersoll's on the aforementioned Saturday at four o'clock P. M.

That Mr. Lowell and Colonel Hichborn be requested to direct Colonel Ingersoll to provide the dinner on said Saturday.

It was voted last February term that Mr. Tyler be recommended to the Supreme Court to be admitted as an attorney of the court, and he was accordingly recommended.

1783, August 4. At a meeting of the bar at the new Court-house, present, Mr. Kent, the Attorney-General, Mr. Lowell, Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Mason, Mr. Keith, Mr. Robbins.

On motion of Mr. Tudor, *Voted* unanimously, That he have the consent of the bar to take into his office Mr. John Rowe as a law student, to be considered as such from July term, 1783.

1783, August 30. Saturday. At a meeting of the bar at Colonel Ingersoll's, present, Mr. Kent, the Attorney-General, Mr. Lowell, Mr. Sullivan, Mr. Hichborn, Mr. Parsons, Mr. Tudor, Mr. Morton,

* Robert Treat Paine was attorney-general at this time. — Eds.

Mr. Wetmore, Mr. Mason, Mr. Hunt, Mr. Gore, Mr. Hughes, Mr. Tucker.

1. Ruled, that no bar meeting for the purpose of establishing rules to be binding on the gentlemen of the bar of the three counties of Suffolk, Middlesex, and Essex, shall be holden, excepting at some fixed term of the Supreme Judicial Court in one of said counties.

2. That no such bar meeting shall be constituted unless there be five gentlemen present, and that all the gentlemen attending at the court be duly notified.

3. That all the doings of such bar meetings shall be certified by the acting secretary of such meeting to the next bar meeting in the county of Suffolk.

4. Ruled, that the sum to be paid by a student at law to his instructor in either of said counties in future shall be one hundred pounds, lawful money, at least.

5. That no gentleman in future shall have in his office more than three students at the same time.*

6. On motion of Mr. Lowell, *Voted*, That Mr. Benjamin Lincoln be recommended to the Supreme Court to be admitted to the oath of an attorney of that court.

1783, October —. At a meeting of the following gentlemen, viz., Messrs. Kent, Hichborn, Tudor, Keith, Dawes, Gore, Hughes.

On motion of Mr. Hichborn, "that Mr. Richard Brook Roberts be admitted as a student in his office with a deduction of one year from the usual term required by the rules for such students previous to their recommendation for the oath," *Voted*, That Mr. Roberts be admitted accordingly with the proposed allowance, provided he produces a certificate from a gentleman of the profession in Carolina that he has read law under such gentleman's direction for one year at least.

1784, January 23. At a meeting of the following gentlemen, at the new Court-house, the Attorney-General, Messrs. Kent, Sullivan, Hichborn, Tudor, Morton, Keith, Mason, Robbins, Hughes.

Agreed, that Mr. Sullivan have the consent of the bar to take into his office as a student Mr. Samuel Cooper Johonnot, grandson of the late Dr. Cooper, aged sixteen.†

1784, February 19. At a meeting of the following gentlemen, at the new Court-house, Messrs. Lowell, Sullivan, Hichborn, Tudor, Morton, Lincoln.

On motion, *Voted, nem. con.*, That Mr. Thomas Edwards be recommended to the Supreme Judicial Court, as qualified for the oath of an attorney of that court.

* It has been said that the jealousy of the bar at the number of students seeking Theophilus Parsons was the cause of this rule. See "Memoir of Chief Justice Parsons," p. 180. In General Sumner's Life of his father, Governor Increase Sumner, it is stated ("N. E. Hist. and Gen. Register," 1854, p. 106 n.) that President John Adams declined to receive Mr. Sumner, who was admitted to the bar six months earlier than Parsons, into his office only because he had already the number of students allowed him by the bar rules. — Eds.

† Mr. Johonnot graduated from Harvard College the previous year. — Eds.

Voted, That Mr. John Thaxter, Mr. Fisher Ames, Mr. Rufus G. Amory, and Mr. George R. Minot be recommended to the same court to be sworn as attorneys.

1784, March 20. Saturday evening. At a meeting of the following gentlemen of the bar, at Mr. Ingersoll's, present, Mr. Kent, Mr. Lowell, Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Dawes, Mr. Gore, Mr. Edwards, Mr. Hughes, Mr. Robbins, Mr. Lincoln.

1. *Voted*, That we will now give an opinion whether the law passed during the present sessions of the General Court, granting to justices a power of trying causes to the value of four pounds, be contrary to the constitution or not.

Agreed unanimously, that said law, in our opinion, is contrary to the constitution. Also agreed, that each gentleman of the bar will use his utmost endeavor to obtain a determination of the Supreme Judicial Court whether the law be agreeable to the constitution or not.*

2. *Voted* unanimously, That no gentleman of the bar ought to go out of his office to put himself in the way of applications for drawing of writs, nor to employ any other persons to do business for him out of his office.

3. *Voted*, That there shall be a bar meeting at Ingersoll's every Tuesday evening in the week preceding that appointed for the session of the Supreme Judicial Court, for the purpose of arranging the jury actions at said court; and it is agreed, that every gentleman not then present shall hold himself bound by such arrangement.

4. *Voted*, That there shall be a general bar meeting at Colonel Ingersoll's on the evening of every last day of entry at each Court of Common Pleas for the County of Suffolk; and that each gentleman in the county, belonging to the profession, whether present or absent, shall pay his proportion of the evening's expense.

* The jurisdiction of justices of the peace in civil actions was increased from forty shillings to four pounds, by an act passed March 11 of this year. An explanatory act, "removing doubts which have arisen in the construction" of this act of 1784, was passed in June, 1797, and the limit stated as thirteen dollars and thirty-three and one third cents. By an act passed March 12, 1808, the justices' power was extended to twenty dollars, which is the limit by the present statutes.

The question of the constitutionality of the act of 1784 was raised during its discussion in the General Court. The Journal of the House shows that on February 13 that body voted (by 95 yeas of 121 members present) to accept the report of a committee that "consistent with the Constitution a justice of the peace may be empowered to try actions exceeding forty shillings." The blank in the pending bill was then filled by the insertion of *four pounds*, and the bill was passed to be engrossed. On February 25 Rufus King, a member for Newburyport, moved to have the question of the constitutionality of increasing the justices' power beyond forty shillings referred to the judges of the Supreme Court for their opinion, but his motion was negatived.

The objection to the act, both in the Legislature and in this bar association, was based probably upon a suspected abridgment of the right of trial by jury. As the justices' power was not again lessened by statute, it seems probable that the Supreme Judicial Court, if the question was ever brought before it, decided against the views of these members of the Suffolk Bar. — Eds.

1784, April 20. Tuesday evening. At a meeting of the bar at Ingersoll's, present, Mr. Kent, Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Edwards, Mr. Gore, Mr. Robbins, Mr. Fay, Mr. Lincoln.

1. *Voted*, That in future we take the same allowance for receiving and paying moneys belonging to our clients as adopted by the bar in 1771.

The following gentlemen were absent: Attorney-General, Mr. Lowell, Mr. Gardiner, Mr. Morton, Mr. Keith, Mr. Mason, Mr. Dawes, Mr. Hughes.*

2. That in all cases when a gentleman shall be proposed as a student who has not had a college education, he shall always undergo an examination by a committee appointed by the bar previous to his admission as a student.

1784, July 7 and 9. At a meeting of the bar at Ingersoll's and the new Court-house, present, at one or other of the meetings, or at both, the Attorney-General, Mr. Lowell, Mr. Gardiner,† Mr. Sullivan, Mr. Tudor, Mr. Morton, Mr. Hunt, Mr. Sprague, Mr. Keith, Mr. Mason, Mr. Bradish, Mr. Hughes, Mr. Lincoln, Mr. Edwards, Mr. Dawes, Mr. Gore.

Voted unanimously, That Mr. Joseph Hall be recommended by the bar to the Court of Common Pleas this term for the oath of an attorney of that court.

Voted, on motion from Mr. Lowell, unanimously, That Mr. Edward Sohier be recommended by the bar to the Court of Common Pleas this term for the oath of an attorney of that court.

On motion of Mr. Gardiner, to have his son, John Gardiner, admitted into his office as a student of law; and on motion from Mr. Gore to have the liberty of taking into his office Mr. William Hill (a young gentleman from North Carolina), as a student of law, it appearing to the bar that neither of these young gentlemen had received a college education, *Voted* unanimously, That a committee be appointed to examine the said young gentlemen with respect to their literary qualifications, and to report their opinion thereon to the bar.

Voted, That the Attorney-General, Mr. Lowell, and Mr. Tudor constitute the said committee.

It was agreed by the gentlemen present that neither Mr. Hall nor Mr. Sohier be proposed to the court till some day after the third Tuesday of July instant.

* The names of Messrs. Amory, Ames, and Minot are also in this list of absentees, but a pen has been drawn through them. These gentlemen, perhaps, belonged to the bar of other counties than Suffolk, and their names are erased to show that no assessment was due from them for the supper suggested by the fourth vote of the previous meeting. — Eds.

† This was John Gardiner, who, born in Boston, was educated at the Inner Temple, London, and practised his profession in England. He was appointed attorney-general of the island of St. Christopher, and came to Boston after the peace of 1783. He afterward went to Pownalborough, and was sent to the Legislature, where he was known as the law reformer. — Eds.

1784, August 24. At a meeting of the bar at Colonel Ingersoll's, present, Mr. Lowell, Mr. Gardiner, Mr. Tudor, Mr. Morton, Mr. Lincoln, Mr. Keith, Mr. Edwards, Mr. Hughes, Mr. Gore.

The gentlemen present proceeded to class the actions for trial next week.

The committee reported that they had attended the examination of Messrs. Gardiner and Hill; upon which, *Voted*, That said report be considered at the adjournment.

Voted, That the bar meet at Mr. Lowell's office on Saturday morning next at 11 o'clock.

1784, August 28. At a meeting of the following gentlemen at Brother Lowell's office, present, Attorney-General, Mr. Lowell, Mr. Sullivan, Mr. Tudor, Mr. Morton, Mr. Keith, Mr. Gore, Mr. Dawes, Mr. Lincoln, Mr. Hughes.

The gentlemen (on motion from Mr. Tudor) *Voted* unanimously, That Mr. Edward Walker (who was admitted to the oath of an attorney at the Inferior Court for Suffolk, at January Court, 1775) be recommended to the Supreme Judicial Court to be admitted to the oath of an attorney of that court.

The report of the committee on the examination of Messrs. Gardiner and Hill was considered; and it appearing to the gentlemen present that, although those gentlemen were well versed in the Latin and English classics, yet that a course of study in the mathematics, in ethics, logic, and metaphysics was necessary previous to their admission as students of law; therefore *Voted* unanimously, That such admission be suspended.

1784, October 12. At a meeting of the bar, at Mr. Marston's, being the quarterly meeting, present, Mr. Gardiner, Mr. Hichborn, Mr. Tudor, Mr. Edwards, Mr. Lincoln, Mr. Hughes, Mr. Dawes, Mr. Robbins, Mr. Ames, Mr. Tyler, Mr. Amory.

On motion of Mr. Hichborn, *Voted*, That Mr. Fortescue Vernon be considered as a law student in Brother Hichborn's office from Sept. 1, 1784.

N. B. This was a very social meeting, and several points of practice (not proper for matter of record) were liberally discussed and very amicably adjusted and agreed upon.

1785, January 11. At a meeting of the bar at Mr. Marston's, present, Mr. Gardiner, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Edwards, Mr. Dawes, Mr. Gore, Mr. Keith, Mr. Robbins, Mr. Ames, Mr. Tyler, Mr. Lincoln, Mr. Minot, Mr. Amory.

On motion of Mr. Dawes, *Voted*, That Mr. John Merrick be considered as a law student in his office from the first day of October last.

Voted, That a committee of three gentlemen be appointed to consider of proper measures to be adopted for remedying the inconveniences arising from the delinquency of sheriffs in the execution of their offices, and report. Mr. Gardiner, Mr. Robbins, and Mr. Amory were appointed on the said committee.

1785, July 12. At a meeting of the bar at Mr. Marston's, present, Mr. Gardiner, Mr. Hichborn, Mr. Tudor, Mr. Keith, Mr. Edwards,

Mr. Gore, Mr. Lincoln, Mr. Robbins, Mr. Hughes, Mr. Ames, Mr. Amory.

Voted, That the Judges of the Supreme Judicial Court be invited to dine with the gentlemen of the bar on the first Monday of the next term; and Brothers Gardiner and Hichborn are appointed a committee to invite the judges and prepare a suitable dinner.

Voted, That Mr. Hill be considered as a student in Mr. Gore's office from January last.

Voted, That Mr. John Gardiner be considered as a student in his father's office from January Court, 1785.

Voted, That Mr. Edward Gray be recommended to the Court of Common Pleas for the oath of an attorney of that court.

1786, July 12. At a meeting of the bar, the following gentlemen present, viz., John Lowell, James Sullivan, William Tudor, Perez Morton, William Wetmore, William Hunt, Israel Keith, Thomas Edwards, Thomas Dawes, Edward H. Robbins, Christopher Gore, Samuel Hughes, Benjamin Lincoln, Royal Tyler, Fisher Ames, George R. Minot, Rufus G. Amory.

Upon motion of Mr. Gore, *Voted*, That Mr. Samuel Quincy, having fully complied with the rules of the bar, be recommended to the Court of Common Pleas to-morrow for the oath of an attorney of that court.

On motion of Mr. Tudor, *Voted*, That Mr. John Rowe, Jr., having complied with the necessary requisites established by the bar, be recommended some day this term to the Court of Common Pleas as a qualified attorney of that court.

On motion of Mr. Lowell, *Voted*, That Mr. Harrison Gray Otis, having duly complied with the bar rules, be recommended to the Court of Common Pleas some day this term for the oath of an attorney of that court.

Voted, on motion of Mr. Lowell, that he have the consent of the bar to admit into his office, as law students, Mr. S. Borland, and his son, Mr. John Lowell, Jr.*

On motion of Mr. Sullivan, *Voted*, That he have the consent of the bar to admit into his office, as a law student, his son, Mr. James Sullivan, Jr.

1786, July 18. The following gentlemen present, Messrs. Lowell, Tudor, Keith, Edwards, Robbins, Lincoln, Amory.

Voted, on motion of Brother Lowell, That he have the consent of the bar to admit into his office, as a law student, Mr. Thomas Russell, Jr., son of Thomas Russell, Esq.

1787, July 12. At a bar meeting, present, the Attorney-General, Messrs. Lowell, Hichborn, Tudor, Mason, Edwards, Minot, Gore, Ames, Amory, Sohier, Gray.

On motion of Mr. Hichborn, *Voted*, That Mr. Fortescue Vernon be recommended for the oath of an attorney of the Court of Common

* Mr. Lowell became one of the prominent lawyers and citizens of Boston. A memoir of him, by his grandson, the present Judge Lowell, may be found in the Proceedings of this Society, vol. ii. pp. 160-169. — Eds.

Pleas, upon the last day of this term, Mr. Hichborn engaging that he shall continue in his office as a student of law until the first day of September, when his term of three years' study will be completed. There being no October court to sit is the reason of this vote.

On motion of Mr. Lowell, *Voted*, That Mr. Thomas Williams be recommended to the Court of Common Pleas for the attorney's oath.

1787, August 21. At a meeting of the gentlemen of the bar, *Voted*, That a dinner be given to the Justices of the Supreme Judicial Court on the first Monday of their ensuing sessions, and that the Governor, Lieutenant-Governor, the officiating clergymen, the sheriff, and both clerks be invited, together with such gentlemen belonging to the profession who are strangers in Boston.

Voted, That Mr. Mason and Mr. Dawes be a committee to procure a suitable dinner.

Voted, That Mr. Isaac Parker* be considered as a student in Mr. Tudor's office from the first day of August, 1786.

Voted, That Mr. Dawes have the consent of the bar to admit into his office Mr. William Cranch † as a law student.

The gentlemen present were, Messrs. Sullivan, Tudor, Mason, Edwards, Dawes, Gore, Amory, Lincoln, Hall, Minot.

1788, February 1. At a meeting of the gentlemen of the bar, present, Messrs. Lowell, Tudor, Morton, Wetmore, Amory, Hunt, Edwards, Dawes, Mason, Sohier, Hall.

On motion from Mr. Morton, that Mr. George Warren might be recommended to the Court of Common Pleas for the oath of an attorney of that court, it appearing that he had not received a collegiate education, and the certificates offered not being fully satisfactory, *Voted*, That Mr. Hichborn, Mr. Wetmore, and Mr. Amory be a committee to examine the young gentleman and make report as to his qualifications at the next meeting.

The committee reported accordingly at a meeting holden February 14; in consequence of whose opinion the bar present *Voted* unanimously, To recommend Mr. G. Warren to the Common Pleas for the attorney's oath.

1788, July 1. At a meeting of the bar at Mr. Tudor's office, present, Messrs. Tudor, Morton, Edwards, Dawes, Robbins, Hughes, Amory, Gray, Minot.

On motion of Brother Dawes, *Voted*, That Mr. John Merrick be recommended to the Court of Common Pleas for the oath of an attorney of that court, some day this term.

On motion of Brother Morton (in behalf of Mr. Hichborn, who is out of town), *Voted*, That Mr. Joseph Bartlet ‡ be recommended to

* Afterward Chief Justice of the Supreme Judicial Court of the Commonwealth. — Eds.

† Afterward Chief Justice of the Circuit Court of the District of Columbia. — Eds.

‡ An erratic fellow. See Duyckinck's "Cyclopædia of American Literature," vol. i. pp. 523-525. — Eds.

the Court of Common Pleas for the attorney's oath of that court some day of the present term.

1788, July 22. At a meeting of the bar at the Court-house, present, Messrs. Lowell, Sullivan, Hichborn, Tudor, Morton, Wetmore, Dawes, Hull, Robbins, Gore, Edwards, Hughes, Minot, Amory, Hall, Gray, Sohler.

On motion of Mr. Gore, *Voted*, That Mr. Thomas Crafts be recommended at the close of the present term to the Court of Common Pleas, for the oath of an attorney of that court, he having fully conformed to the rules of the bar respecting law students.

On motion of Mr. Hichborn, it was unanimously agreed that Mr. Samuel Andrews be considered as a student in his office from July, 1786.

On motion of Mr. Sullivan, agreed that Mr. William Lyman be considered as a student in his office from the tenth day of June last.

On motion of Mr. Wetmore, agreed that Mr. Nathaniel Higginson be considered as a student in his office from the death of our late Brother Lincoln, say from March 20 last.

On motion of Mr. Hichborn, it was agreed that Mr. Phineas Bruce be considered as a student in his office from October, 1787.

1788, August 26. At a meeting of the bar, at the Senate Chamber, present, Attorney-General, Messrs. Lowell, Hichborn, Tudor, Morton, Mason, Gore, Edwards, Dawes, Gray.

On motion of Mr. Tudor, *Voted* unanimously, That Messrs. Harrison G. Otis and John Rowe be recommended to the Supreme Judicial Court this term, to be admitted to the oath of attorneys of that court.

1788, September 6. At a meeting of the bar, present, Messrs. Lowell, Parsons, Wetmore, Mason, Edwards, Ames, Hall, Hughes.

On motion of Mr. Parsons, *Voted*, That he have the consent of the bar to take into his office Mr. Bossenger Foster, Jr., as a law student from this day.

1789, March 24. At a meeting of the bar, at the Court-house, present, Messrs. Lowell, Sullivan, Tudor, Morton, Mason, Hall, Gray.

On motion of Mr. Lowell, it was agreed that Mr. Edward Clarke be considered as a student in his office from Feb. 17, A.D. 1789.

1789, July 21. At a meeting of the bar, at the Court-house, present, Messrs. Lowell, Sullivan, Tudor, Morton, Edwards, Robbins, Hunt, Mason, Hughes, Gore, Dawes, Amory, Dexter, Sohler, Hall, Gray, Otis.

Voted, on motion of Mr. Lowell, That his son, Mr. John Lowell, Jr., be recommended to the Court of Common Pleas, the present term, for the oath of an attorney of that court.

Voted, on motion of Mr. Tudor, That Mr. Isaac Parker be recommended to the Court of Common Pleas, this term, for the oath of an attorney of that court.

Voted, That Mr. Lowell have the consent of the bar to take into his office Mr. John Lathrop as a law student.

Voted, on motion of Mr. Sullivan, That Mr. William Lyman be

considered as having complied with the rules of the bar as a law student for two years, completed the 10th of June last; and that, on condition he continues his studies for the space of one year longer according to the rules of the bar, and submits himself to an examination, that he shall then be recommended to the oath of an attorney in the Court of Common Pleas.

1789, July 22. At a meeting of the bar, at the Court-house, present, Messrs. Lowell, Sullivan, Hichborn, Tudor, Morton, Edwards, Gore, Hughes, Dawes, Amory, Dexter, Sohier, Otis.

On motion of Mr. Hichborn, *Voted*, That Mr. Samuel Andrews be recommended to the Court of Common Pleas, some day this term, for the oath of an attorney of that court.

On motion of Mr. Lowell, *Voted*, That Mr. Joseph Blake, on filing his certificates from Messrs. Sprague and Colville with the Secretary, be recommended to the Court of Common Pleas for the attorney's oath.

1789, August 21. At a meeting of the bar, present, Attorney-General, Messrs. Sullivan, Tudor, Mason.

On motion of Mr. Paine, *Voted*, That Mr. Robert Paine be considered as a student in his father's office from July 25 last.

DISTRICT COURT AT BOSTON, DEC. 1, 1789.

A Rule for the Admission of Counsellors and Attorneys at Law.

All such gentlemen who are now barristers or attorneys at the Supreme Judicial Court of the State of Massachusetts, taking the oath of allegiance to the United States, shall be admitted as counsellors and attorneys in this court, to take rank according to their standing in the Supreme Judicial Court aforesaid.

1790, February 6. At a meeting of the following gentlemen of the bar, viz., Messrs. Hichborn, Tudor, Morton, Dawes, Hughes, Tyler (of Uxbridge), Gray.

On motion of Mr. Hichborn, *Voted* unanimously, That Mr. Phineas Bruce, having studied regularly for nine months and upwards with an attorney previous to his admission into Brother Hichborn's office in October, 1787, be recommended to the Court of Common Pleas for the oath of an attorney of that court.

1790, July 8. At a meeting of the gentlemen of the bar, present, Messrs. Tudor, Edwards, Dawes, Mason, Hughes, Amory, Hall, Sohier.

On motion of Mr. West of New Hampshire, and from full evidence by certificates that Mr. Thomas Hammond had fully complied with the rules of the bar of that State, similar to those of the bar of Massachusetts, and had been duly admitted as an attorney of the Court of Common Pleas of that State, *Voted*, That he be recommended to the Court of Common Pleas for the oath of an attorney of that court.

Voted, on motion of Brother Dawes, That Mr. William Cranch,

having complied with the bar rules, be recommended, some day this term, to the oath of an attorney of the Court of Common Pleas.

1790, July 30. At a meeting of the bar, present, Messrs. Sullivan, Tudor, Robbins, Edwards, Hughes, Gray, Amory, Williams.

On motion of Mr. Tudor, *Voted*, That he have the consent of the bar to take into his office Mr. Josiah Quincy * as a law student.

On motion of Mr. Robbins, *Voted*, That he have the consent of the bar to take Mr. Nathaniel Fisher into his office as a law student.

1790, September 2. At a meeting of the gentlemen of the bar, present, the Attorney-General,† Mr. Hichborn, Mr. Parsons, Mr. Tudor, Mr. Morton, Mr. Dawes, Mr. Edwards, Mr. Robbins, Mr. Wetmore, Mr. Hughes, Mr. Amory, Mr. Gray, Mr. Sohier, Mr. Keith, Mr. Quincy, Mr. Williams, Mr. Otis.

On motion of the Attorney-General, consented, that he take into his office Mr. Robert Paine, son of Judge Paine, as a law student (*vide* Aug. 21, 1789).‡

On motion of Brother Gore, *Voted*, That Mr. John Lathrop be considered as a student in his office from the time he quitted Judge Lowell's office (*vide* July 21, 1789), and that Mr. Ebenezer Gay be considered as a student in Mr. Gore's office from April last, and Mr. John Callender from July last.

1790 [1], January 10. On motion of the Attorney-General, *Voted*, That he have the consent of the bar to take into his office, as a law student, Mr. James Prescott, Jr., of Groton, the young gentleman having had a college education, and it appearing by a certificate from Eb. Champney, Esq., of New Ipswich, that said Prescott had been a student in his office from July, 1788, to Nov. 23, 1790. Gentlemen present, Attorney-General, Messrs. Tudor, Edwards, Amory, Minot, Gray, Keith, Sohier, Bradish, Williams.

1791, April 28. At a bar meeting, present, Messrs. Ames, Dexter, Sohier, Otis, Townshend.

Voted, on motion of Mr. Ames, That he have the consent of the bar to consider Mr. Samuel Haven as a student in his office from October 23 last.

1791, July 5. At a meeting at Mr. Tudor's office, present, Messrs. Tudor, Morton, Hughes, Amory, Gray, Townshend.

On motion, *Voted*, That Mr. James Prescott, Jr., be recommended to the Court of Common Pleas for the oath of an attorney of that court some day of the present term.

1792, July 24. At a meeting of the bar, present, the Attorney-General, Messrs. Tudor, Edwards, Hall, Gray, Otis, Williams, Lowell, Adams.§

* Afterward the President of Harvard College, &c., &c. — Eds.

† James Sullivan was appointed attorney-general, February 12 of this year. — Eds.

‡ Robert Treat Paine, who had been the attorney-general since the organization of the State, was raised to a seat on the Supreme Bench this year. — Eds.

§ President John Quincy Adams had studied with Theophilus Parsons at Newburyport, and was admitted to the Essex Bar, July 15, 1790. He removed at once to Boston. He was appointed Minister to Holland, May 29, 1794. — Eds.

Voted, That Mr. George Blake be recommended to the Court of Common Pleas for the oath of an attorney of that court.

Voted, That Mr. Robert Paine be recommended to the Court of Common Pleas for the oath of an attorney of that court.

Voted, That William Sullivan* be admitted as a law student in the office of the Attorney-General.

1792, August 2. At a meeting of the bar, present, Messrs. Otis, Sohier, Gray, Blake, Lowell, Adams, Beales.

On motion of Mr. Otis, *Voted*, That Mr. John Williams be considered as a law student in his office from July term, 1792.

1793, July 9. At a meeting of the bar, present, Messrs. Tudor, Minot, Hall, Adams, Blake, Otis, Lowell, Gray.

Voted, That Mr. John Callender be recommended to the Court of Common Pleas for the oath of an attorney of that court.

Voted, on motion of Mr. Tudor, That Mr. Josiah Quincy be recommended to the Court of Common Pleas for the oath of an attorney of that court.

1793, July 10. At a meeting of the bar, present, Messrs. Tudor, Morton, Hall, Minot, Otis, Gray, Adams, Blake, Lowell.

After debate, under the special circumstances of the case, *Voted*, That Mr. Francis Blake be recommended to the Court of Common Pleas of *this* county for the oath of an attorney of that court, notwithstanding his having followed his law studies in the county of Worcester.

1793, July 10.† At a meeting of the bar, present, Messrs. Tudor, Dexter, Hall, Gray, Williams, Edwards, Otis, Lowell, Beals, Amory, Adams.

Voted, That Mr. Tudor, Mr. Minot, and Mr. Lowell be a committee to revise all the existing bar rules, and to prepare and report a new set of general regulations, and to lay the same before the brotherhood on some day in the next term of the Supreme Judicial Court in this county for their consideration, and that they notify a special bar meeting for this purpose.

Voted, That Judge Minot, Mr. Amory, and Mr. Lowell be a committee to make inquiry, and to examine the qualifications of Mr. Joseph Rowe, and to report on the propriety of recommending that young gentleman to the Court of Common Pleas for the oath of an attorney of that court.

1793, July 23. At a meeting of the bar, present, the Attorney-General, Messrs. Tudor, Amory, Judge Minot, Messrs. Otis, Adams, Blake.

Voted, That Mr. Joseph Rowe be recommended to the Court of Common Pleas for the oath of an attorney of that court, in consequence of the following report of the committee appointed the 10th instant, viz. :—

* The well-known author of "Familiar Letters on the Men of the Revolution." A notice of him by Mr. T. C. Amory is in the Proceedings of this Society, vol. ii. pp. 150-160. — Eds.

† *Sic* in the manuscript, but evidently an error, unless two meetings were held on the same day. — Eds.

“ The committee appointed for the examination of Mr. Joseph Rowe report that he received an academical education in the province of Canada ; after which, at about seventeen years of age, he entered the office of the attorney-general for that province as a clerk and student of the law ; that he diligently attended to the business of that office and a suitable course of study the term of two years ; all which the committee conceive is equal to a collegiate education in this State. That he has resided more than three years in Boston as a clerk in the office of Mr. Tudor. The committee, having considered the qualifications of Mr. Rowe, are of opinion that he may be duly admitted to the bar.”

1795, July 22. At a meeting of the bar, present, Messrs. Tudor, Edwards, Minot, Amory, Otis, Lowell, Gray, J. Blake, Williams, G. Blake, Paine.

On motion of Mr. Sullivan, *Voted*, That Mr. William Sullivan be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court.

On motion of Mr. Otis, *Voted*, That Mr. John Williams be also recommended to that court for the oath of an attorney.

A letter from Judge Lincoln, of Worcester, was read, requesting the bar to consent to the admission of Mr. James Allen, Jr., who had completed his law reading with him, to the oath of an attorney in this county. After much debate, it appearing that a derangement of the Court of Common Pleas in that county rendered it improbable that a court would be holden there until next winter, and from some particular circumstances attending the young gentleman, *Voted*, That he be recommended accordingly.

Also *Voted*, That in future no law student belonging to another county be proposed in this to the courts for admission as an attorney, without first producing the consent of the bar in the county where he studied, at a regular meeting certified by the clerk of such bar meeting.

1796, May 17. At a meeting of the following gentlemen of the bar at R. G. Amory, Esq.'s, office, present, Messrs. Minot, Amory, Gray, Lowell, Phillips, Paine, Gay, Rowe, Phelps, Sullivan.

Voted, That Mr. Ebenezer Gay be secretary to record the votes and transactions of the bar.

Voted also, That the following regulations be subscribed by each gentleman of the bar in the bar book, and that they be furnished with a copy thereof.

May 17, 1796.

We the subscribers, members of the bar for the county of Suffolk, taking into consideration the great depreciation of money, the abridgment of the number of days' attendance formerly taxed in defaulted cases, according to the more ancient law, and the general inadequacy of the fees hitherto paid in many cases to the services performed in the line of our profession, agree to the following regulation of fees ; viz. :—

At the COURT OF COMMON PLEAS where actions are not entered.

For every writ where the demand is under 100 dollars . . .	\$2.50
where the demand is above 100 dollars . . .	3.50
on the absconding act where the demand is	
under 100 dollars	3.00
where the demand is above 100 dollars . . .	4.00

Where actions are entered at said court and not argued, and judgment recovered the first term.

Fee for entry where the party does not enter, besides the clerk's fee and in addition to the bill of cost	\$1.00
Term fee where the demand is under 100 dollars	2.50
where the demand is above 100 and under 400 dollars	3.50
where the demand is above 400 dollars	5.00
In case there be not judgment the first term, then for every term afterward in cases under 100 dollars	1.00
above 100 dollars	2.00
Fee from the defendant for obtaining an appeal; in actions	
under 100 dollars	3.00
above 100 dollars	4.00
For every continuance; first term	3.00
every term after	2.00
For a demurrer; if the first term	3.00
any subsequent term	2.00
Fee for advice in all cases relating to property to an amount	
under 400 dollars, not less than	2.00
above 400 dollars, not less than	5.00

AT THE SUPREME JUDICIAL COURT.

Fee for entering an action where the party does not enter it .	\$1.00
In actions not argued and where judgment is recovered the first term, in addition to the bill of costs if	
under 100 dollars	3.00
above 100 dollars	5.00
For every term after, if under 100 dollars	2.00
above 100 dollars	3.00
In like actions not argued, from the defendant, every term,	
if under 100 dollars	3.00
if above 100 dollars	5.00

FOR ARGUING CAUSES TO THE COURT OR JURY.

At the Common Pleas, not less than	\$5.00
At the Supreme Judicial Court, not less than	15.00

FOR WRITING A LETTER REQUESTING PAYMENT OF A DEMAND.

under 100 dollars	\$1.50
above 100 dollars	2.00

Witness our hands to the above
a agreement —

J. Sullivan
J. Brown

Associates
Jos. Rowe

Thomas Edwards
James G. Hughes
Geo. R. Menot
Edw. J. Lee Livermore
Saml. G. Amory

Charles P. Phelps
Wm. Sullivan

Edw. Gray
Wm. Dyer
H. J. Otis

John Williams

Thomas Williams Jun 3
Jos. Blake jun.

John Charles Lane
William Thurston

Isaac Correll Jun

Edw. Jackson

John Phillips
Geo. Wake

Ezekiel Bacon
Saml. B. Dorr

Robt. Fane

John Heard

John Hathrop Jr

David Everett

Eben Gay

Wm. Lisle

Wm. Calender

C. D. Sumner
James Allen jun.

SIGNATURES OF THE SUFFOLK BAR.

It is further agreed that none of the above rules shall apply to cases the value of which does not exceed thirty dollars. And it is further expected that the above rules will not prevent gentlemen from demanding more in cases deserving higher fees.

And it is further agreed that for collecting money for persons in this State, we shall receive not less than one per cent.

Witness our hands to the above agreement : —

Ja. Sullivan.
S. Bourne.
Thomas Edwards.
James Hughes.
Geo. R. Minot.
Edw^d S^t Loe Livermore.
Rufus G. Amory.
Edw^d Gray.
Jno. Davis.
H. G. Otis.
Thomas Williams, Jun.
Jos. Blake, Jn^r
Jn^o Lowell, Jun.
John Phillips.
Geo : Blake.
Rob^t Paine.
John Lathrop, J^r

Eben^r Gay.
Jn^o Callender.
Josiah Quincy.
Jos : Rowe.
Charles P. Phelps.
W^m Sullivan.
John Williams.
Charles Paine.
William Thurston.
Edw^d Jackson.
Ezek^l Bacon.
Sam^l A. Dorr.
John Heard.
David Everett.
H : N : Lisle.
C. P. Sumner.
James Allen, Jun^r *

1796, October 18. At a meeting of the bar, present, Messrs. Sullivan, Edwards, Amory, Gray, Lowell, Phillips, Lathrop, Gay, Quincy.

On motion of Mr. Attorney-General, to recommend Mr. Isaac Story to the Court of Common Pleas for admission to the oath of an attorney of that court, it appearing that Mr. Story had regularly studied the term of three years in the county of Essex, and that in consequence of the sickness at Newburyport the court would not convene there as usual, whereby the gentleman would be kept out of business a considerable time,† *Voted*, That the rule heretofore made on this subject be dispensed with, in this instance, in consideration of the peculiar circumstances of the case, and that Mr. Story be recommended accordingly.

1796, November 24. At a meeting of the bar, present, Attorney-General, Mr. Amory, Judge Minot, Messrs. Gray, Lowell, Phillips, Gay, Callender, Rowe, Quincy.

On motion of Mr. Lowell, to have the liberty of taking into his office Mr. John Ward Gurley as a law student, it appearing that the gentleman had not received a college education, *Voted* unanimously, That a

* An albertype of the page containing these signatures, somewhat reduced in size, is here given. — Eds.

† Newburyport was visited by an epidemic of yellow-fever at this time. See Coffin's "Newbury," p. 270. — Eds.

committee be appointed to examine the said young gentleman as to his literary qualifications, and report accordingly. Judge Minot, Mr. Otis, and Mr. Quincy were appointed a committee for the above purpose.

1797, May 10. At a meeting of the bar, present, Messrs. Bourne,* Gray, Williams, Lowell, Phillips, Lathrop, Paine, Rowe.

On motion of Mr. Lowell, *Voted*, That Mr. William Thurston be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court.

1797, October 9. At a meeting of the bar, present, Messrs. Edwards, Minot, Davis, Williams, J. Blake, Jr., G. Blake, Phillips, R. Paine, Callender, Gay, Rowe.

On motion of Judge Sullivan, *Voted*, That Mr. Samuel A. Dorr be considered a student in his office from July term, 1795; and Messrs. Charles Davis and Charles Cushing from July term, 1796.

And on motion of Brother Davis, *Voted*, That Mr. John Heard and Mr. Benjamin Wood be considered as students in his office from last July term.

On motion of Judge Minot, that Mr. Holder Slocum, Jr., be admitted as a student in his office, it appearing that he had not received a collegiate education, *Voted*, That Messrs. Edwards, Davis, and Gray be a committee to examine him as to his literary qualifications.

1798, January 12. At a meeting of the bar, present, Messrs. Edwards, Amory, Minot, Gray, Lowell, Phillips, Gay, Callender, Quincy, Rowe.

On motion of Mr. Edwards to recommend Mr. Ezekiel Bacon † to the Court of Common Pleas for admission to the oath of an attorney of that court, it appearing from sundry certificates that he had regularly studied the term of three years, *Voted* unanimously, To recommend him accordingly.

1798, May 11. At a meeting of the following gentlemen of the bar, Messrs. Gray, Lowell, Phillips, Paine, Gay, Rowe, Phelps.

On motion of Brother Livermore, *Voted*, That Mr. Nicholas Emery be considered a student in his office from April term, 1798.

1798, July 9. At a meeting of the following gentlemen of the bar, Messrs. Minot, Amory, Davis, Gray, T. Williams, Phillips, Rowe, Adams, Sullivan, Phelps.

The committee appointed at a bar meeting on the ninth day of October last, to examine Mr. Holder Slocum, Jr., a student in Judge Minot's office, as to his literary qualifications, reported as follows:—

“The committee of Suffolk Bar, appointed to examine and ascertain the literary acquirements of Mr. Holder Slocum, Jr., now a student with Judge Minot, have attended that service, and report that they find Mr. Slocum has so far attended to the Latin language that a moderate degree

* Shearjashub Bourne, the graduate of 1764; Chief Justice of the Suffolk Common Pleas, and a member of Congress. — Eds.

† Yale College, 1794. Afterward Chief Justice of the Common Pleas, and a member of Congress. — Eds.

of attention and practice will probably enable him to render it sufficiently familiar for the purposes of his intended profession. He has paid no attention to the Greek, and has not been sufficiently instructed, in the opinion of your committee, in logic, metaphysics, and mathematics. He has read some approved writers in history, and has attended considerably to the French language.

"It is the opinion of the committee that on his remaining in an office three years from the present time, with an attention for part of the time, under the direction of his instructor, to history and metaphysics, and occasionally to the Latin language, it will be proper, at the expiration of that period, if he continues the assiduity and attention which he has hitherto manifested, to allow of his admission to the bar.

JNO. DAVIS,

"Boston, June 27, 1798.

Per order."

On motion of Mr. William Sullivan, to recommend Mr. Samuel A. Dorr to the Court of Common Pleas for admission to the oath of an attorney of that court, *Voted*, To recommend him accordingly.

And on motion of Brother Davis, to recommend Mr. John Heard, Jr., to the Court of Common Pleas to the oath of an attorney of the said court, *Voted*, On his obtaining a certificate from the gentleman with whom he studied prior to his entering Mr. Davis's office, to recommend him accordingly.

After debate, the following exception to the rule respecting amendments adopted Jan. 2, 1771, was voted, viz.:—

That in all cases where the declaration in the writ is on an account annexed, on a policy of insurance, on a bill of exchange, or where the suit is brought for articles sold and delivered without an account annexed, the plaintiff's counsel shall be allowed to file a special declaration at any time before trial without paying costs or allowing a continuance, provided that if the amendments be made at the Supreme Judicial Court, the policy, bill, or copies, or full and sufficient abstracts thereof, and a schedule of the articles shall be filed at the Court of Common Pleas, unless such abstracts shall be contained in the declaration.

1798, July 23. At a meeting of the bar, present, Mr. Edwards, Judge Minot, Messrs. Gray, J. Blake, R. Paine, Rowe.

On motion of Judge Minot, *Voted*, That Mr. Charles Pinckney Sumner* be considered a student in his office from the present July term.

1798, August 10. At a meeting of the bar, present, Judge Minot, Messrs. Davis, Gray, Lowell, Phillips, Gay, Callender, Rowe.

The following report of a committee of the bar, consisting of Judge Minot, Mr. Davis, and Mr. Gray, on an application of Mr. Foster Waterman to be recommended to the Court of Common Pleas, to be sworn as an attorney of that court, was accepted, viz.:—

"That in their opinion Mr. Waterman's employment as a schoolmaster in Boston during the time he was a student under Mr. Forbes, and Mr.

* The father of Charles Sumner. — EDS.

Forbes's long absence in Europe, must have impeded his progress in acquiring a knowledge in the practical part of his profession at least: and that the whole of that time ought not to be allowed him. They therefore propose that he should be recommended to be sworn in at the next October term, upon his producing a certificate of his having studied under a gentleman practising at the Supreme Judicial Court from the 11th of April last until that time.

“GEO. R. MINOT,
“Per order.”

1798, August 27. At a meeting of the bar, present, Messrs. Bourne, Edwards, Gray, Phillips, Sullivan, Gay.

On motion of Mr. William Sullivan, *Voted*, That Mr. Richard Sullivan be considered a student in his father's office from last July term.

Voted also, That Mr. Charles Paine be recommended to the Supreme Judicial Court for admission to the oath of an attorney of that court.

1798, November 1. At a meeting of the bar, present, Messrs. Minot, Lowell, Gay, Rowe, Sullivan.

Mr. Foster Waterman having produced certificates from Mr. Otis and Mr. Whitman that he had prosecuted the study of the law in their offices, from the eleventh day of April last past to the 1st of October last, *Voted*, To recommend him to the Court of Common Pleas for admission to the oath of an attorney of that court.

On motion of Mr. Lowell, *Voted* also, That Mr. [Humphrey] Devereux be considered a student in his office from the present term of the Common Pleas.

At the same meeting, upon the application of Judge Minot, in behalf of Mr. Artemas Sawyer, who received a degree at Harvard College the last Commencement, and has read law since in the office of Mr. Bartlett at Cambridge, that he might be admitted a student in his office in this town, and at the same time attend to the keeping of a school there upon such conditions as the bar might prescribe, *Voted*, That Mr. Davis and Mr. Amory be a committee to consider this application, and report.

1799, July 5. At a meeting of the bar, present, Messrs. Gray, Phillips, Blake, Gay, Sullivan, Adams, Paine.

On motion of Mr. Sullivan, *Voted*, That Messrs. Charles Davis and Charles Cushing be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court.

On motion of Mr. Paine, *Voted*, That Mr. Thomas Paine and Mr. Thomas O. Selfridge be considered students in his office from the first day of April last.

On motion of Mr. Gay, *Voted* also, That Mr. Artemas Sawyer be considered a student in his office from the tenth day of last May.

1799, August 7. At a meeting of the bar, present, Messrs. Amory, Lowell, Phillips, Gay, Callender, Sullivan, Quincy, Paine.

Voted, That Mr. Jotham Bender be recommended for admission as an attorney of the Court of Common Pleas, it appearing to the satis-

faction of the bar that he has complied with the rules prescribed as a qualification for admission.

1799, October 11. At a meeting of the bar, present, Messrs. Davis, T. Williams, J. Lowell, Jr., J. Phillips, J. Quincy, J. Rowe, C. Paine.

On motion of Mr. Lowell, to have Mr. John W. Gurley, a student in his office, proposed to the Court of Common Pleas for admission to the oath of an attorney of that court, it appearing to the satisfaction of the bar that Mr. Gurley had commenced and prosecuted the study of the law with Mr. Porter of Hadley from the beginning of January, 1796, until the 1st of September in the same year, and that he had also prosecuted his studies in Mr. Lowell's office for the term of two years and eleven months, *Voted*, To propose him accordingly.

Voted also, That Mr. William Hyslop Sumner* be considered a student in Mr. Davis's office from July last; and Mr. Luther Richardson in Mr. Thomas Williams's office from the same time.

1800, January 17. At a meeting of the bar, present, Messrs. Bourne, Davis, Gray, Phillips, Gay, Sullivan, Paine.

On the application of Mr. Samuel Hawkins for admission to the bar of this county, *Voted*, That Mr. Amory, Mr. Davis, and Mr. Gray be a committee to obtain a correct statement of facts respecting the said Hawkins, to report the same at the next meeting.

1800, January 20. At a meeting of the bar, present, Messrs. Edwards, Amory, Davis, Gray, Phillips, G. Blake, J. Rowe, W. Sullivan.

The committee appointed to obtain and report a state of facts in the case of Mr. S. Hawkins reported as follows, viz. : —

“The committee of Suffolk Bar, appointed on the application of Mr. Samuel Hawkins for admission to the bar in this county, report, — that in September last the said Hawkins was admitted as an attorney and counsellor at law at the Court of Common Pleas in the county of Litchfield, in Connecticut, and in October last he was admitted an attorney and counsellor at the Court of Common Pleas in the county of Dutchess, in the State of New York, which admissions appear to be duly certified. He also produces certificates of having studied one year with Tappan Reeve, Esq., in Connecticut, and two years with Jno. —, Esq., of Troy, in the State of New York. He also states that he studied one year with Mr. Ogden, of which he has no certificate with him. He had not a college education, but studied with a private tutor previous to his living with Mr. Ogden. Mr. Hawkins is a native of the State of New York. The committee are of opinion, under the circumstances above stated [that he] is not now admissible to the bar of this county.

“R. G. AMORY.

“JN^o DAVIS.

“EDW^d GRAY.

“BOSTON, Jan. 18, 1800.”

Voted, That the above report be accepted.

On motion of Mr. Amory, *Voted*, That Mr. [Henry] Cabot be con-

* The son of Governor Increase Sumner. — Eds.

sidered a student in his office for the term of five years from the 1st of July last.

On motion of Mr. George Blake, *Voted*, That Mr. Nathaniel Sparhawk, who has had an education at Dartmouth College, be considered a student in his office from October, 1798.

Voted, That we have a supper at James Vila's,* and that all the gentlemen of the bar practising at the Supreme Judicial Court be invited to attend, and that Mr. Amory, Mr. Davis, Mr. Gray, and Mr. Gay be a committee to report amendments and additions to the rules respecting practice and admissions.

1800, January 28. At a meeting of the bar at James Vila's (Concert Hall), present, Judge Sullivan, Messrs. Edwards, Amory, J. Davis, Gray, Lowell, Phillips, G. Blake, Gay, Quincy, Rowe, Sullivan, Paine.

Voted, That all students of colleges out of the State be not admissible to the bar until they shall have studied one year longer than those educated at Harvard University.

That no student be recommended to the Court of Common Pleas for admission without having studied within the county one year at least of his term.

That with respect to those gentlemen who have studied law or been admitted to the bar in the courts of other States, and who shall apply for admission to the bar of this county, they shall not be recommended without a term of study within this county, to be prescribed by the bar, provided that term be in no case less than one year. This regulation not to apply to those gentlemen who have practised in the supreme court of any State four years, and against whom, upon examination, there shall be found no objection in point of qualification or character.

That no student be recommended to the Court of Common Pleas or Supreme Judicial Court for admission without subscribing and conforming to the rules of the bar.

Voted also, That in lieu of the entry and term-fees, we will receive, in cases that shall be entered where there are no trials, and whether the cause shall proceed to judgment or not, five per cent on the first hundred dollars, and one per cent less than five per cent on every hundred dollars to five hundred dollars, and one per cent on every sum exceeding five hundred dollars; provided that when the debt shall be lost by the poverty of the debtor the counsel shall be at liberty to deviate from this rule at his discretion.

Voted also, That there be a standing committee of the bar to be chosen in January, annually, of not less than three, whose duty it shall be to see that the bar rules are adhered to.

1800, July 5. At a meeting of the bar, present, Messrs. Edwards, Gray, T. Williams, Lowell, Phillips, Blake, Gay, Rowe.

Voted, That Mr. Lowell have the consent of the bar to take into

* Concert Hall, a well-known tavern at the corner of Hanover and Court Streets. — Eds.

his office as students at law Mr. Charles Lowell * and Mr. [Aaron H.] Putnam.

1801, April 30. At a meeting of the bar, present, Messrs. Gray, Lowell, Phillips, Gay, Rowe, Sullivan, Paine.

On motion of Mr. Gray, *Voted*, That Mr. Holder Slocum, Jr., be proposed to the Court of Common Pleas for admission the next term.

On motion of Mr. Paine, *Voted*, That Mr. Luther Richardson be considered a student in his office from the 7th of the present month.

On motion of Mr. William Sullivan, *Voted*, That Mr. Richard Sullivan be proposed to the Court of Common Pleas the present term for admission at the next; [and] that Mr. Henry Edes be considered a student in the office of James Sullivan, Esq., from July, 1799, and Gideon L. Thayer from the — day of —.

That David I. Greene and Mr. — Skinner be considered students in said William Sullivan's office; the former from July, 1800, and the latter from the — day of February, 1800.

1801, July 21. At a meeting of the bar, present, Messrs. Edwards, Gray, Lowell, G. Blake, Phillips, Rowe, Quincy, Paine, Thurston, Heard, Jackson.

Voted, on motion of Mr. Lowell, That Mr. Humphrey Devereux be recommended, at the next October term of the Court of Common Pleas, for admission to the oath of an attorney of that court the succeeding January term.

Voted also, That Mr. George Sullivan be considered a student in the office of James Sullivan, Esq., and Warren Dutton in the office of John Lowell, Jr., Esq., from the present time.

1801, July 25. At a meeting of the bar, present, Messrs. Edwards, Amory, Gray, Lowell, Thos. Williams, Phillips, Blake, Gay, Rowe, Jno. Williams, Heard.

On motion of Mr. Blake, *Voted*, That Mr. Nathaniel Sparhawk be recommended to the Court of Common Pleas for this county for admission at the next October term.

On motion of Mr. Amory, *Voted*, That Mr. Henry Cabot, who for these two years last past has, connectedly with his legal studies, pursued those of general literature, be considered a student in his office from the first day of July instant until the first day of July, 1804; and that Mr. Samuel Parker, who has for the last year pursued the study of law in the office of Mr. — Smith, of —, be also considered a student in the office of Mr. Amory, and that three months be deducted from the time he studied with Mr. Smith, he having kept school during that time.

1801, October 6. †

1801, October 13. At a meeting of the bar in the Court-house, present, Messrs. Edwards, Gray, Lowell, Churchill, Gay, Paine, Everett. ‡

* Afterward the Rev. Dr. Lowell, pastor of the West Church. — Eds.

† Nothing but the date is entered. — Eds.

‡ David Everett, the author of the well-known lines, —

“You 'd scarce expect one of my age
To speak in public on the stage.”

On motion of Mr. Lowell, *Voted*, That Alpheus Baker be considered a student in his office from the first day of the present month.

On motion of Mr. Gray, *Voted*, That Samuel Mather Crocker be considered a student in his office from July last.

And on motion of Mr. Everett, *Voted*, That Lemuel Shaw * be considered a student in his office from August last.

1801, October 19. At a meeting of the bar, present, Messrs. Gray, Davis, Otis, Phillips, Blake, Gay, Callender, Sullivan, Paine, Waterman, Everett.

On motion of Mr. Gay, *Voted*, That Mr. Artemas Sawyer be proposed to the Court of Common Pleas of this county for admission at the next January term, Judge Davis, one of the committee appointed to consider his case, having so reported.

On motion of Mr. C. Paine, *Voted* also, That his brother, Mr. Thomas Paine, be proposed for admission at the same term.

On motion of Mr. Davis, *Voted*, That Mr. John Knapp be considered a student in his office from July, 1800, and Mr. Thomas Welsh, from

And on motion of Mr. Otis, *Voted*, That Messrs. Arthur M. Walter, Benjamin Wells, and William W. [S?] Shaw † be considered students in his office from the 20th of March last.

1802, July 13. At a meeting of the bar, present, Messrs. T. Williams, Lowell, Gay, Quincy, C. Paine, Heard, Thurston, Everett.

On motion of Mr. Otis, *Voted*, That Arthur M. Walter be proposed to the Court of Common Pleas at this term for admission to the oath of an attorney of that court at the next October term.

On motion of Mr. Lowell, *Voted*, That he have leave to take into his office Messrs. John Codman, Jr., and James Elliott, as students at law.

On motion of Mr. Charles Paine, *Voted*, That Timothy Fuller be considered as student in his office from the present time.

And on motion of E. Gay, *Voted*, That Timothy Boutelle be considered a student in his office from the month of June last.

1802, October 29. At a meeting of the bar, present, Messrs. Gray, Lowell, Adams, Blake, Gay, Rowe, Heard, Thurston, Everett.

On motion of Mr. Heard, *Voted*, That Mr. David Bradley be considered a student in his office from April last.

On motion of Mr. Lowell, that a committee be appointed to determine what further time Mr. Warren Dutton, a student in his office, shall prosecute the study of law to entitle him to a recommendation to the Court of Common Pleas for admission to the oath of an attorney of that court, *Voted*, That Messrs. Gray, Adams, and Quincy be a committee for that purpose.

On motion of Mr. Everett, to have liberty to take into his office Mr.

He was more of a journalist and writer than a lawyer. See Duyckinck's *Cyclopædia*, vol. i. pp. 589, 590. — Eds.

* Afterward Chief Justice of the Commonwealth. — Eds.

† All three members of the Anthology Club, and two, Walter and Shaw, founders of the Boston Athenæum. — Eds.

Aaron Emmes as a student, *Voted*, That the above-named committee be a committee to determine on what terms said Emmes shall enter said office, he not having received a liberal education.

1803, April 26. At a meeting of the bar, present, Messrs. Gray, Ward, Lowell, Phillips, Quincy, Rowe, Sullivan, Heard, Gurley.

The committee on Mr. Warren Dutton's case reported that he be recommended to the Court of Common Pleas for admission in July next, which was accepted.

On motion of Mr. Lowell, *Voted*, That Aaron H. Putnam be recommended for admission at next July term.

On motion of Mr. Phillips, *Voted*, That Israel Munroe* be proposed for admission at the same term.

On motion of Mr. Otis the same vote was executed in favor of Benjamin Wells.

On motion of Mr. Parsons, a similar vote was executed in favor of Benjamin Marston Watson.

On motion of Mr. William Sullivan, *Voted*, That James T. Austin be considered a student in his office from ——— last.

1803, April 29. At a meeting of the bar, present, Messrs. Davis, Amory, Otis, Adams, Blake, Gay, Rowe, Wm. Sullivan, Heard, Thurston.

On motion of Mr. Otis, *Voted*, That Mr. Josiah [John?] Knapp be proposed for admission to the Court of Common Pleas next July term.

A similar vote was executed on motion of Mr. G. Blake in favor of Adam Winthrop.

1803, Friday, December 9. At a meeting of the bar in the Court-house lobby, present, Mr. Parsons, the Solicitor-General,† Messrs. Amory, Hall, Gray, Rowe, Sullivan, Heard, Jackson.

Mr. Parsons requested permission of the bar to take into his office Mr. Elliot as a law student during the absence of Mr. Lowell, with whom he had heretofore studied, Mr. Parsons having already three students in his office.

On motion of Mr. Amory, *Voted*, That Mr. Parsons have permission to receive Mr. Elliot into his office to prosecute his studies there during the absence of Mr. Lowell.

Voted also, That Mr. William Minot be considered a student in Mr. Hall's office from June, 1802.

1804, January 9. At a meeting of the bar in the lobby of the Court-house, present, Messrs. G. Blake, J. Rowe, C. Paine, W. Thurston, E. Jackson, C. Davis, R. T. Paine, Jr.

Mr. C. Paine requested the gentlemen of the bar to determine what further time should be required of T. Fuller, Jr., a student in his office, to prosecute his studies previous to admission to the Court of Common Pleas, he having kept school while a student with Judge Lincoln at Worcester. *Voted*, That Messrs. Blake, Rowe, and E.

* This name was written Munson, and has been corrected with a lead-pencil. — Eds.

† Daniel Davis was appointed solicitor-general, Jan. 29, 1801. — Eds.

Jackson be a committee to consider of this application and report thereon.

The committee to whom the case of T. Fuller, Jr., was referred reported that said Fuller be recommended to the Court of Common Pleas in July next for admission the succeeding October term.

At a meeting of the gentlemen of the bar, holden at the Court-house on the 20th of July, 1804, the above report, which was made at the last January term, was taken into full and mature consideration, and the same was accepted.

CHAS. DAVIS, Clerk *pro tem*.

1804, April 25. At a meeting of the bar, present, Messrs. Hall, Gray, Churchill, Gay, Rowe, C. Paine, Thurston, W. Sullivan, Heard, Stackpole, A. Dexter, Knapp, Thatcher, Selfridge, Munroe, Winthrop, Dutton, Parker.

Voted, on motion, That a committee of five be appointed to review the regulations respecting practice, and make such alterations therein and additions thereto as they shall judge necessary.

Voted also, That Messrs. Gray, Phillips, Wm. Sullivan, C. Paine, and Selfridge be a committee for the above purposes, and that when they shall be ready to make their report that they call a meeting of the whole bar at Vila's to receive the same.

1804, May 2. At a meeting of the bar, present, Messrs. Edwards, Gray, Gay, Callender, C. Paine, Jackson.

On motion of Brother Callender, *Voted*, To recommend Mr. Thomas Welsh, Jr., to the Court of Common Pleas for admission to the oath of an attorney of that court at the next July term.

Mr. George Sullivan was also recommended for admission at the same term.

1805, March 18. At a meeting of the bar, present, D. Davis, E. Gray, B. Whitman, W. Sullivan, C. Jackson, C. Paine, C. Davis, E. Jackson, Wm. Thurston, L. Richardson, Esqs.

Upon the representation of Luther Richardson, Esq., stating that a dispute had arisen between him and William Austin, in which the latter had charged him with dishonorable conduct in his profession, and praying that the bar would take the same into consideration, *Voted*, That a committee of three be appointed for that purpose and report thereon as soon as convenient, and that the Hon. C. Gore, Hon. D. Davis, and William Sullivan, Esq., be that committee.

1805, Tuesday, March 26. At a meeting of the gentlemen of the bar at Vila's, present, Messrs. Edwards, Amory, D. Davis, Gray, B. Whitman, Jno. Phillips, G. Blake, Quincy, Wm. Sullivan, C. Jackson, C. Paine, Churchill, Heard, Thurston, Selfridge, C. P. Sumner, C. Davis, Thacher, E. Jackson, Wm. H. Sumner, Allen.

Mr. Amory presented an application from Mr. Robert Fields, requesting that he might be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court. It was voted that this subject subside until after the report of the committee

appointed to revise the rules and regulations of the bar should be disposed of. The said report was then read, and each article was considered and adopted separately as far as the fifth. It was then moved to accept the whole report, which motion was carried. The said report is accepted accordingly, and recorded in Bar Book No. 2.

It was afterward voted that a committee of five be chosen to consider the application of Mr. Fields and report thereon. The Solicitor-General, Messrs. Amory, Phillips, Blake, and C. Davis were chosen for that purpose.

Mr. J. P. QUINCY presented an interesting letter of Mrs. George Whitefield, with the following remarks:—

I have here a letter written by Mrs. Whitefield, the wife of the evangelist, and addressed to Dr. Colman, the well-known pastor of Brattle Street Church. It would have no interest—beyond that which attaches to an expression of intense womanly sympathy with a remarkable husband—were it not that it furnishes some evidence against the truth of a statement which has crept into the biographies of Whitefield, and which alleges a want of harmony between the great preacher and his wife. This story has been circulated upon the inadequate authority of one man (Cornelius Winter), who entered Whitefield's house as a resident more than a year after the death of his wife. It is saying very little, to mention that we have nothing to confirm this report of matrimonial infelicity; every document bearing ever so remotely upon the subject goes to refute it, as decidedly as this letter to Dr. Colman.

Mr. Tyerman's exhaustive biography of Whitefield gives three letters from his wife. The expression, "my dear and honored master," by which, in this letter to the Boston pastor, Mrs. Whitefield designates her husband, is repeated in one of them; and the tone of the others is equally indicative of her utter absorption in the high calling to which he was devoted.

It has been observed that Mrs. Whitefield is rarely mentioned in the voluminous correspondence of her husband; but the omission is not strange, when we remember how completely the emotional force of the preacher was spent in his exacting work. It is more to the purpose that Whitefield's few allusions to his wife are tender and appreciative. He speaks of his family as "happy in Jesus, and happy in one another." Mrs. Whitefield is his "dear yoke fellow"; and he notes how, in time of peril, "the Lord gave her much of his presence." In the opinion of John Wesley, the wife of his brother evangelist was "a woman of candor and human-

ity"; and there is unimpeachable testimony to show that in some fine traits of character she excelled her husband. It is from the latter's own statement we know that, when a bloody sea fight was supposed to be imminent, the wife was zealous to do her full part, and set about making cartridges; while Whitefield found his own courage so deficient that it was with difficulty he resisted an impulse to secrete himself from danger in the ship's hold. On another occasion, when the fervent orator was called upon to face a mob, he tells us how he began to quail before its ferocious menaces. "My wife," he adds, "was then standing behind me as I stood on the table. I think I hear her now. She pulled my gown, and, looking up, said, 'George, play the man for your God!' I spoke to the multitude with boldness and affection." Surely it is reasonable to believe that on less critical occasions such a wife was the support of her husband, and supplied a due portion of the Christian energy by which the pathetic preacher wrought his marvellous effects. Six months after Mrs. Whitefield's death, her husband writes to his old friend, Thomas Adams, that his loss is as that of his right hand; and he goes on to intimate that his bereavement is supportable only through faith that "right hands and right eyes must be parted with for Him who ordereth all things well." It is, then, as an additional vindication of the memory of Mrs. Whitefield that I find the chief interest of the letter now communicated. In this view it seems well worth the preposterous postage of six shillings and nine pence, which the indorsement of Dr. Colman states that he paid for it.

BOHEMIA, IN MARYLAND, June 16, 1746.

REV. AND VERY DEAR SIR, — I have been ready to think the time long till I should see our dear Boston friends, but it seems I must wait yet longer. The time is not yet come for a return thither, and I cannot look far forward, for in the midst of life we are in death, and know not how soon that messenger might be sent to call us hence. But, blessed be his great name, there is a time when the dear children shall meet not to part any more. If we meet not here, we must patiently wait that time. The Lord is exceeding good to my dear and honored Master, and still continues to honor him in making him the happy instrument of bringing dear souls to the dear Redeemer. There seems to be a thirst for the word from Georgia to New England, but more abundantly in these six provinces. I know it will rejoice your dear heart to hear that our glorious high priest rides triumphantly in the chariot of his everlasting Gospel. Indeed, I believe the Lord is going to do a great work upon the earth. Dear Mr. Tennent is getting alive again, and expresses great love to my dear Master, and

says he loves him better than ever. There is in Pennsylvania and this province a sweet moving among the dry bones, and thousands come to hear. The ministers are very loving and kind. My dear and honored Master joins with me in sending loving respects to yourself and lady. He would have wrote, but weakness of body and much company prevented him. The heat of the weather is almost too much for us, and preaching out in the heat almost overcomes him, but there are no houses to contain the people. O dear sir, pray for us ! We design for Bethesda* again in winter. If you would favor my dear Mr. Whitefield or me with a few lines, be pleased to direct to be left at Mr. William Bronson's, merchant, in Philadelphia. I am, dear and reverend sir,

Sincerely yours in our dear Lord,

E. WHITEFIELD.

Our love to all dear friends, Mr. Stamford and his lady, and your little dear master, and Mr. Smith, if you see him.

[Addressed :] To the Rev. Dr. Colman, in Boston.

[Indorsed in Dr. Colman's hand :] Paid postage 6: 9^d From Mrs. Whitefield at Maryland, rec'd July 1, 1746 ; answ'd July 8.†

* The name given to the Orphan House which Whitefield had built near Savannah. — Eds.

† There are also upon the outside of the letter: "6/9. Phi. 7^{dwt};" and the following note, signed T. T. (Thomas Turell, Dr. Colman's son-in-law): "Philadelphia, 7 pennyweights ; this appears to be Dr. Franklin's handwriting." — Eds.

BY-LAWS.

CHAPTER I.

OF MEMBERS.

ARTICLE 1. — The Regular or Resident Members of the Society shall be elected from among the citizens of this Commonwealth, and shall cease to be members whenever they cease to be citizens thereof. Honorary and Corresponding Members shall be elected from among those persons who are not citizens of this Commonwealth, and the latter shall cease to be members if at any time they become citizens thereof. Resident Members only shall be entitled to vote or to take part in the business transacted at the meetings of the Society.

ART. 2. — A book shall be kept by the Recording Secretary, in which any Resident Member of the Society may enter the name of any person whom he may regard as suitable to be nominated as a Resident, Corresponding, or Honorary Member; it being understood that each member is bound in honor not to make known abroad the name of any person either proposed or nominated. But no nomination of any member shall be made except by a report of the Council, at a stated meeting of the Society, nor be acted upon at the same meeting to which it is reported; nor shall more than two candidates for membership, of the same class, be reported at any one meeting.

ART. 3. — Nominations of Corresponding or of Honorary Members shall be accompanied by a brief statement of the place of residence and qualifications of the person nominated.

ART. 4. — All members shall be elected by ballot; and, in balloting for members, the law and custom of our forefathers shall be observed, by taking the question with Indian corn and beans; the corn expressing *yeas*, and the beans *nays*. But no person shall be deemed chosen, unless there be twenty members present and voting at the election, nor unless three-fourths of all the votes are in the affirmative.

ART. 5. — Each Resident Member shall pay twenty-five dollars at the time of his admission, and ten dollars each first of January afterward, into the treasury of the Society, for its general purposes; but any member shall be exempted from the annual payment, if, at any time after his admission, he shall pay into the treasury one hundred and fifty dollars in addition to what he may before have paid; and all commutation fees shall be funded by the Treasurer, and the interest only used for the current expenses of the Society. Each Resident Member shall be entitled to receive a copy of all the regular publications of the Society, issued after his election, without charge; and all members who have paid the commutation fee shall be entitled to the privilege of the Library, and to copies of the publications, for life, even should their membership cease by removal from the State or by resignation.

ART. 6. — If any person elected as a Resident Member shall neglect, for one year after being notified of his election, to pay his admission-fee, his election shall be void; and, if any Resident Member shall neglect to pay his annual assessment for two years after it shall have become due and his attention shall have been called to this article in the By-laws, he shall cease to be a member; provided, however, it shall be in the power of the Treasurer, with the consent of the President, to dispense (*sub silentio*) with the payment of the assessment, whenever, in any special instance, they may think it advisable to do so. Each person who shall be elected a Resident Member shall, when notified of it, be furnished by the Corresponding Secretary with a copy of this Article and the preceding one.

ART. 7. — Diplomas signed by the President, and countersigned by the two Secretaries, shall be issued to all persons who have become members of the Society.

CHAPTER II.

OF MEETINGS.

ART. 1. — There shall be a Regular Meeting of the Society on the second Thursday of every month, at three o'clock P.M., at their rooms in Boston; provided, however, that the Coun-

cil shall have authority to postpone any such monthly meeting, or to dispense with it altogether, or to direct it to be held at other rooms, or at another hour, whenever, for any cause, they may deem it desirable or expedient. Special meetings shall be called by either of the Secretaries, whenever requested so to do by the President, or, in case of his absence or inability, by one of the Vice-Presidents or by the Council.

ART. 2. — At all meetings, the President shall take the chair in five minutes after the time appointed in the notification; and the record of the preceding meeting shall then be at once read. After which, at all Special Meetings, the special business for which the meeting was called shall be transacted; and, at all Regular Meetings, the order of business shall be as follows:—

First, The Librarian shall make his report.

Second, The Cabinet-keeper shall make his report.

Third, The Corresponding Secretary shall read any communications he may have received.

Fourth, The unfinished business and the assignments of the last meeting shall be taken up in their order.

Fifth, The Council shall be called on to report its doings since the last meeting.

Sixth, Other committees shall be called on for reports.

Seventh, The Society shall then proceed to such matters of business as may be proposed by any member; after which members generally shall be invited to make any communications on any subject having relation to the purposes of the Society; and, for the orderly accomplishment of this object, the Society shall be divided into three sections, as nearly equal in numbers as may be, each of which, in regular sequence, shall be notified by the Recording Secretary, that the Society, at the next meeting, will receive from it such communications; and the officer presiding at the next meeting shall call upon members of such section to offer any communication; after which, the communication so made may be discussed by the Society generally.

ART. 3. — Fifteen members shall be a quorum for all purposes except the election of members, as hereinbefore provided; and excepting, also, for alterations of the By-laws, which shall not be made unless twenty persons are present, nor unless the subject has either been discussed at a previous meeting, or reported on by a committee appointed for the purpose.

ART. 4. — At the request of any two members present, any

subject proposed for discussion shall be once deferred to a subsequent meeting, before it is finally disposed of.

ART. 5. — All committees shall be nominated by the chair, unless otherwise ordered.

CHAPTER III.

OF OFFICERS.

The officers of the Society shall be a President, who shall be, *ex officio*, Chairman of the Council; two Vice-Presidents; a Recording Secretary, who shall also be, *ex officio*, Secretary of the Council; a Corresponding Secretary; a Treasurer; a Librarian; and a Cabinet-keeper, — all of whom shall be chosen by ballot at the monthly meeting in April, and shall hold their respective offices for one year, or until others are duly chosen in their stead. At the same meeting five members shall be chosen (no more than two of whom shall hold their places for more than two successive years) who, with the foregoing officers, shall constitute the Council of the Society; which may fix its own quorum, provided that no nomination of members shall be made to which less than seven of its number shall have assented at a meeting of the Council.

At the regular monthly meeting preceding any election of officers, a Nominating Committee, consisting of three persons, shall be appointed, who shall report to the meeting at which the election is to be made a list of members for the places to be filled.

CHAPTER IV.

OF THE PRESIDENT.

The President shall preside in all meetings of the Society when present, and, when absent, one of the Vice-Presidents, in the order of their names. In the absence of all these officers, a President *pro tempore* shall be chosen.

CHAPTER V.

OF THE RECORDING SECRETARY.

ART. 1. — The Recording Secretary, or, in case of his death or absence, the Corresponding Secretary, shall warn all meetings of the Society, by causing to be sent, through the post-office, to all the Resident Members, notices of each meeting. Notices of the regular meetings shall be issued on the Monday preceding.

ART. 2. — He shall keep an exact record of all the meetings of the Society, with the names of the members present; entering in full all reports of committees that may be accepted by the Society, unless otherwise specially directed, or unless the same are to be included in the printed Proceedings.

See Chap. IX., Art. 6.

CHAPTER VI.

OF THE CORRESPONDING SECRETARY.

ART. 1. — The Corresponding Secretary shall inform all persons of their election as members of the Society, sending to each a copy of the By-laws, and on their acceptance shall issue the proper diplomas.

ART. 2. — He shall carry on all the correspondence of the Society not otherwise provided for; and deposit copies of the letters sent and the original letters received, in regular files, in the Library.

CHAPTER VII.

OF THE TREASURER.

ART. 1. — The Treasurer shall collect all moneys due to the Society, and shall keep regular and faithful accounts of all the moneys and funds of the Society that may come into his hands, and of all receipts and expenditures connected with the same, — which accounts shall always be open to the

inspection of the members; and, at the regular meeting in April, he shall make a written report of all his doings for the year preceding, and of the amount and condition of all the property of the Society intrusted to him. One week before the monthly meeting in April of each year, he shall give notice to every member of any assessment remaining due from him.

ART. 2. — He shall pay no moneys, except on vote of the Society, or of the Council, or on voucher of an officer or committee acting conformably to its laws or orders.

CHAPTER VIII.

OF THE COMMITTEE ON THE TREASURER'S ACCOUNTS.

At the monthly meeting in March, annually, a Committee shall be appointed by nomination from the chair, consisting of not less than two persons, whose duty it shall be to examine the Treasurer's accounts for the year preceding, and at the monthly meeting in April to report thereon, and on the state of any property of the Society in his hands.

CHAPTER IX.

OF THE LIBRARIAN, AND OF THE LIBRARY.

ART. 1. — The Librarian shall have charge of all the books, tracts, maps, manuscripts, and other property of the Society appropriate to a library; and shall cause to be made, and kept exact and perfect, catalogues of each and all of them, doing whatever may be in his power, at all times, to preserve and increase the collections under his care.

ART. 2. — He shall acknowledge each donation that may be made to the Library, by a certificate addressed to the person making it.

ART. 3. — He shall, at every monthly meeting of the Society, report all donations made to the Library since the last monthly meeting, with the names of the donors; and, at the annual meeting, shall present a statement of the condition and wants of the Library, with a notice of the important accessions that may have been made to it during the year.

ART. 4. — He shall cause to be kept an exact account of all books taken out, with the names of the persons who take them, and the dates when they are borrowed and returned.

ART. 5. — He shall report in writing, at each monthly meeting, the name of every book that has been out of the Library for a longer term than is permitted by the By-laws, and shall use his discretion in obtaining the return of such books.

ART. 6. — He may have one or more assistants, not members of the Society, appointed by the Council, who shall aid him in all or any of his duties ; who shall also aid the Recording Secretary in notifying meetings, copying reports, or in any other way that may be required, and who shall render such other services to the Society connected with its Library or its general proceedings as the Council may direct.

ART. 7. — The Librarian shall be present in the Library, in person or by an assistant, at the regular hours, and at such other times as may be appointed for keeping it open ; and shall endeavor to render it useful to all who may resort to it.

ART. 8. — Any Resident Member of the Society may take from the Library three printed volumes at a time, and keep each of them four weeks, with a right to renew the loan for four weeks more, unless some other member has, in that interval, asked for it in writing ; but if he retains it beyond this second period, he must first obtain the written assent of a member of the Council, permitting him to do so, or he shall be fined ten cents a week for each volume so retained.

ART. 9. — All members taking books from the Library shall be answerable for any injury done to the same, to such amount as may be deemed just by the Council ; and any person neglecting to pay any fines, or assessments for damages, one month after he shall have received notice of the same from the Librarian, or otherwise abusing his privilege to the injury of the Library, shall, by order of the Council, be interdicted from access to the same.

ART. 10. — At the written request of any Resident Member of this Society, the Librarian shall permit any person to visit and use the Library, at such times as the Librarian may be in attendance ; such member becoming thereby responsible for any injury to the property of the Society that may result from such introduction of a stranger.

ART. 11. — At the written request of any Resident Member of the Society, the Librarian shall deliver to any one person indicated in such request, but to no more than one person

at the same time, any book or books belonging to the Society, which the member himself could take out; such member, by such request, making himself responsible that all the rules relating to the book or books so taken out shall be as fully observed by the person authorized to receive them as if he were a member; and that any injury accruing to the property of the Society, in consequence of the privilege thus granted, shall be made good by the member at whose request the grant is made.

ART. 12. — At the meetings in April, July, October, and January, the Librarian shall lay before the Society a list of the names of those persons, not members, who, during the preceding three months respectively, may have had access to the Library by permission of individual members of the Society, with the names of the members at whose request the privilege was granted; adding a statement of each injury that may have been sustained by the property of the Society, in consequence of granting such permission, and the name of the member bound to make it good.

ART. 13. — The Publishing Committee, for the time being, shall be permitted to take such books and manuscripts from the Library as they may need, in order to perform the duty assigned to them by the Society; but the Librarian shall make a record of whatever is so taken, and, as soon as the volume they may have in charge is published, he shall require the return of the same.

ART. 14. — All manuscripts of the Society shall be kept under lock and key, and be used only in presence of the Librarian or an assistant.

ART. 15. — Persons not members of the Society, engaged in historical pursuits, shall be allowed to consult the manuscripts belonging to the Society, provided an application in writing, stating the object of the inquiry, be first made to the Librarian, who shall make record of the same.

ART. 16. — No manuscript, and no part of a manuscript, belonging to the Society, shall be copied, except on permission granted by the Council, after an application in writing, specifying the manuscript, or part thereof, desired to be copied; and if any manuscript belonging to the Society shall, in consequence of such permission, be published, in whole or in part, the fact that it was obtained from the Society shall be required to be stated in its publication. But nothing herein shall be construed to prevent the publication of names, dates, and other chronological memoranda, without special permission.

ART. 17. — Manuscripts of a confidential nature shall be retained in a place of special deposit, and shall be consulted only under such regulations as may be prescribed in each case by vote of the Society.

ART. 18. — No maps, newspapers, or books of great rarity or of constant reference, shall be taken from the Library, except by vote of the Society.

ART. 19. — All tracts, books, maps, and manuscripts belonging to the Society, shall be distinctly marked as its property ; and any such tract, book, &c., that may be presented to the Society shall be marked with the name of the donor, and recorded as his gift.

ART. 20. — The Library shall be open on all week-days, from nine o'clock in the forenoon till sunset (but not later than six o'clock), throughout the year, except on the afternoons of Saturdays, and on days of public observance, and also during the fortnight before the annual meeting in April, when it shall be closed for examination ; and all books that may be lent are hereby required to be returned previous to that fortnight, under a penalty of a fine of one dollar for each volume not so returned.

CHAPTER X.

RULES FOR THE DOWSE LIBRARY.

ART. 1. — The room in which the books are deposited which were presented to the Society by Thomas Dowse shall be known forever as the DOWSE LIBRARY OF THE MASSACHUSETTS HISTORICAL SOCIETY.

ART. 2. — Agreeably to the condition prescribed by Mr. Dowse, no book shall be taken out of this room.

ART. 3. — Books may be used in the room by members of the Society, and by others introduced by them in person ; but no book shall be taken from the cases except by members, or by the Librarian's assistant, who shall cause each book to be returned to its proper place immediately after it has been used.

ART. 4. — Meetings of the Society may be held in the Dowse Library, at the discretion of the Council ; but the room shall not be used for any other meetings.

CHAPTER XI.

OF THE CABINET-KEEPER, AND THE MUSEUM.

ART. 1. — The Cabinet-keeper shall have charge of all coins, works of art, remains of antiquity, and other articles appropriate to the Society's Museum, and shall make and keep perfect and exact catalogues of the same.

ART. 2. — He shall acknowledge each donation he may receive, by letter, to the person making it. At every monthly meeting of the Society, he shall report whatever may have been added to the collection of which he has charge, with the names of the donors; and, at the annual meeting, shall present a full report of the condition of the Museum.

CHAPTER XII.

OF THE COUNCIL.

ART. 1. — The Council, as vacancies occur in the Society by death or otherwise, shall, at their discretion, report nominations for Resident Members to fill the same.

ART. 2. — They shall engage whatever assistance is needed to administer the Library, and shall pay the current expenses of the Society, drawing on the Treasurer, from time to time, for such sums as may be necessary for that purpose.

ART. 3. — They shall annually, in the month of April, make a careful examination of the Library and Museum of the Society, and also of the Dowse Library; comparing the books, manuscripts, and other articles in each, with their catalogues, respectively, and reporting at the April meeting, in detail, concerning their condition.

ART. 4. — They shall record in full, in a book kept by them for the purpose, any permission granted by any one of their number for the consultation of the manuscripts of the Society, by persons not members.

ART. 5. — They shall meet in the Society's rooms within one week previous to every regular meeting, on such day and at such hour as they may agree upon, and at such other times as the Chairman shall call them together, for the fulfilment of their appropriate duties, and for the purpose of facilitating the transaction of such business as will be brought before the

Society ; and for making such arrangements as may be expedient for securing the communication of historical papers.

ART. 6. — They shall, at every meeting, report to the Society all their doings since the last meeting, suggesting at the same time such business as they may deem advisable to bring before it.

ART. 7. — On the death of a Resident Member, they shall, at the next meeting of the Society, report, through the President, a nomination of a person to prepare a memoir of the deceased for the Proceedings.

ART. 8. — They shall have authority to appoint such sub-committees of their number as they shall think expedient, to facilitate the administration of the Society's affairs.

ART. 9. — They shall make an annual report, to be drawn up by that one of the members at large who has had the longest term of service.

CHAPTER XIII.

OF THE PUBLISHING COMMITTEE.

ART. 1. — Immediately after the publication of any volume of the Collections of the Society, or at any other time when the Society may order, a Committee of not less than three persons shall be appointed by nomination from the chair, whose duty it shall be to prepare and publish another volume ; for which purpose they are authorized to draw on the Treasurer, and free use is granted to them of all the manuscripts, printed books, and other resources of the Society, except the manuscripts deposited as confidential ; said Committee being required hereby to return whatever they may have thus received, so soon as their use of the same for the purposes of such publication shall have ceased.

In every publication that shall be made from the income of the Appleton, the Peabody, or other publishing fund, there shall be inserted in each volume a statement in print, that it was made at the charge of that fund which bears the expense of the publication.

ART. 2. — The Recording Secretary, and two other members to be appointed at the annual meeting by the President, shall constitute a Committee, with full power to provide for occasional reports, as well as for the permanent publica-

tion of the Proceedings of the Society, subject to the following limitations:—

First, Neither the remarks nor the name of any member shall be introduced into any report without his permission.

Second, All papers read or remarks made by any member, which such member shall desire or be willing to have printed, shall be submitted to the above-named Committee for the purpose, and shall be subject to their discretion: provided, however, that any member may publish, on his own responsibility, any paper or remarks of his own which the Committee may not think fit to include in their report; it being understood that, in such case, the name of the Society is not to be used in any way whatever in connection with such publication.